

This abstract was scanned by Dale C. Maley, Fairbury, Illinois, Historian.

It traces back to the founding of Fairbury in 1857 with Dr. Miller and Mr. Patton.

This property was where John Virgin's Horse Palace was built, as well as Keck's Insurance, the Fairbury Savings & Loan, and Dimond Brothers Insurance.

It is a valuable historical document for Fairbury, Illinois.

Dale C. Maley

July 4, 2021

*Fairbury Fed Sav & Loan Soc*  
*Cook*

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# ABSTRACT OF TITLE

TO

Pt. Lots 13 & 14, Blk. 25,  
in Fairbury.

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In Livingston County, Illinois

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**Livingston County Abstract Co.**  
(Incorporated)

J. G. WHITSON, President  
South Side Square Pontiac, Illinois

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## ABSTRACT OF TITLE

TO

The following described premises to-wit:- Commencing at the Northeast corner of Lot Fourteen (14) in Block Twenty-five (25) in Fairbury, thence West 80 feet, thence South 25 feet, thence East 80 feet, thence North 25 feet to the place of beginning.

Also, commencing 25 feet South of the Northeast corner of Lot Fourteen (14) in Block Twenty-five in Fairbury, thence West 80 feet, thence South  $24\frac{1}{2}$  feet, thence East 80 feet, thence North  $24\frac{1}{2}$  feet, to the place of beginning.

Also, Commencing 84 feet South of the Northeast corner of Lot Fourteen (14) in Block Twenty-five (25) in Fairbury, thence West 88 feet, thence South 28 feet, thence East 88 feet, thence North 28 feet, to the place of beginning.

Also, Commencing 45 feet East of the Northwest corner of Lot 11 in Block Twenty-five (25) in Fairbury, thence South 93ft. thence East 64 feet, thence North 93 feet, thence West 64 feet, to the place of beginning, being located on a part of the S  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Sec. 3, Twp. 26 N., R. 6 E. of the 3rd P.M.

IN LIVINGSTON COUNTY, ILLINOIS.

Commencing with the title in the United States.

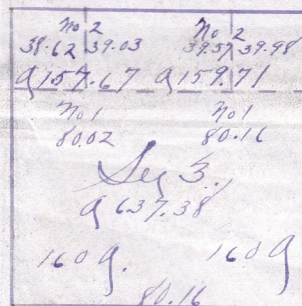
1

Township Plat  
of  
Twp. 26 N., R. 6 E.  
of the 3rd P.M.

Plat entitled as in the margin  
certified to by Dan'l. Dunklin,  
Surveyor General, on October 3,  
1838, as shown by the plat from  
the original plat on file in the  
Land Office at Washington, D.C.

He certifies that the above plat of Twp. 26 N., R. 6 E. of the 3rd P. M. is strictly conformable to the field notes of the survey thereof on file in that office, which have been examined and approved.

Section Three (3) is shown on said plat as follows:-



2

The SE  $\frac{1}{4}$  of Sec. 3, Twp. 26 N., R. 6 E. of the 3rd P. M., containing 160 acres, was entered by John L. Miller on Feb. 18, 1852 as appears from the Land Entry Book page 151 in the Court Clerk's Office of Livingston Co., Ill.



United States,  
to  
John Leland Miller.

Patent.  
Dated October 4, 1853.  
Recorded February 24, 1860 in  
Book "P" page 217.

3

Grants the SE  $\frac{1}{4}$  of Sec. 3, Twp. 26 N., R. 6 E. of the  
3rd P. M. containing 160 acres.

In the district of lands subject to the sale at Danville,  
Ill.

Warrant #50917

Volume 137 page 167.

- - - -

John L. Miller,  
to  
Caleb L. Patton.

Bond for a Deed.  
Dated February 12, 1855.  
Recorded March 20, 1855 in  
Book "E" page 586.  
In the penal sum of \$10,000.00.

4

On payment of notes aggregating \$6000, the last note due  
March 1, 1861, the party of the first part is to convey to the  
party of the second part, by a Warranty Deed, the SE  $\frac{1}{4}$  of Sec. 3,  
Twp. 26 N., R. 6 E. of the 3rd P.M. (with other property).

- - - -

John Leland Miller,  
to  
Caleb Patton.

Warranty Deed.  
Dated October 16, 1857.  
Recorded February 24, 1858 in  
Book "K" page 258.  
Consideration \$1,000.00.

5

Conveys the S  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Sec. 3, Twp. 26 N., R. 6  
E. of the 3rd P. M.

- - - -

C.L. Patton &  
Orpha, his wife,  
to  
Octave Chanute.

Bond for a Deed.  
Dated October 31, 1857.  
Recorded December 4, 1857 in  
Book "H" page 280.  
In the penal sum of \$5000.00.

6

On payment of \$1,695.00, the first parties agree to convey  
to the second party by a warranty deed, an undivided one-half  
interest in the SE  $\frac{1}{4}$  of Sec. 3, Twp. 26 N., R. 6 E. of the 3rd  
P.M. (with other property).

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Plat of  
Fairbury.

Plat entitled as in the margin  
recorded January 1, 1858 in  
Subdivision Record 1 page 42.

7

Isaac R. Clark, County Surveyor, certifies on October 1,  
1857, that under the direction and by the order of Caleb L.  
Patton and Octave Chanute, owners and proprietors of the SE  $\frac{1}{4}$   
of Sec. 3 and a part of the NE  $\frac{1}{4}$  of Sec. 10, all in Twp. 26 N.,  
R. 6 E. of the 3rd P.M. he did survey and subdivide and lay out  
into streets and alleys, blocks, and lots, as represented on the  
above plat, the above described land being the map or plat of  
the Town of Fairbury; that the distances are marked upon the plat  
and are true and correct as measured by him; that stakes were  
driven in the ground in the SE corner of said Sec. 3, as a monument  
to perpetuate the future surveys of the aforesaid Town of Fairbury,  
and that the above is a true and original map.

Appended is a certificate by Caleb L. Patton and Octave  
Chanute, owners of the SE  $\frac{1}{4}$  of Sec. 3 and a part of the NE  $\frac{1}{4}$  of  
Sec. 10, in Twp. 26 N., R. 6 E. of the 3rd P.M. in which they  
certify that the Town of Fairbury as laid down and designated on  
the annexed map or plat has been surveyed, laid out and subdivided  
on the said plat by Isaac R. Clark, County Surveyor, under their  
direction and that the grounds as subdivided into lots, blocks,  
streets and alleys shown thereon are dedicated to the purposes  
and uses therein designated, but the lands marked as reserved to  
the Peoria & Oquawka (eastern extension) Railroad is reserved for



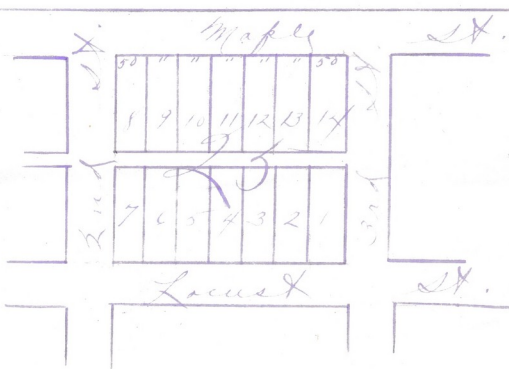
for its occupancy and subject to its entire control so that no hindrance or obstruction shall ever be permitted within said bounds to the running or operation of its engines or cars nor shall any street or crossing from one side to the other ever be made or sought to be made over any part of them, except by the company themselves, and for their own use and benefit, and this condition of this dedication or grant and they further reserve for their own use and benefit a strip 45 feet wide on the West side of said town as shown on the plat, which shall not be subject to the occupancy or use of the public or any person without their consent and permission.

Acknowledged before Isaac R. Clark, a J.P. of Livingston Co., Ill. on December 4, 1857.

Caleb L. Patton signs C.L. Patton.

Approved and ordered recorded by Henry Jones, County Judge, J. Angle, and James P. Morgan, Associate Justices of the Peace, on Dec. 31, 1857.

Block Twenty-five (25) is shown on said plat as follows:-



8

C.L. Patton &  
Orpha Patton,  
to  
Andrew J. Cropsey.

Bond for a Deed.  
Dated November 2, 1857.  
Recorded May 22, 1858 in  
Book "M" page 552.  
In the penal sum of \$3000.00.

On payment of \$1500.00, the party of the first part is to convey to the party of the second part by a Warranty Deed an undivided one-fourth interest in the SE  $\frac{1}{4}$  of Sec. 3, Twp. 26 N., R. 6 E. of the 3rd P.M. (with other property).

9

C.L. Patton, &  
Orpha Patton,  
to  
Andrew J. Cropsey.

Bond for a Deed.  
Dated April 9, 1858.  
Recorded May 22, 1858 in  
Book M page 550.  
In the penal sum of \$3900.00.

On payment of \$1950.00, the party of the first part is to convey to the party of the second part by Warranty Deed, the undivided one-fourth interest in the SE  $\frac{1}{4}$  of Sec. 3, Twp. 26 N., R. 6 E. of the 3rd P.M. (except property not in question)



- 10 C. L. Patton & Orpha, his wife, to Andrew J. Cropsey. Warranty Deed. Dated May 10, 1858. Recorded May 22, 1858 in Book "M" page 549. Consideration \$2500.00. Conveys the undivided one-half interest in the S  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Sec. 3, Twp. 26 N., R. 6 E. of the 3rd P.M. (with other property) upon which the town of Fairbury is now in part laid out. REMARK:- The first grantor acknowledges as Caleb L. Patton.
- 11 C.L. Patton & Orpha, his wife, to Octave Chanute. Warranty Deed. Dated August 4, 1858. Recorded February 27, 1860 in Book "Q" page 9. Consideration \$598.00. Conveys the undivided one-half interest in the S  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Sec. 3, Twp. 26 N., R. 6 E. of the 3rd P.M. being a part of the town of Fairbury, in accordance with a bond dated October 31, 1857. REMARK:- The first grantor acknowledges as Caleb L. Patton.
- 12 Orpha Patton, wife of Caleb L. Patton, to Andrew J. Cropsey. Quit-Claim Deed. Dated October 4, 1857. Recorded October 6, 1857 in Book 64 page 250. Consideration \$1.00. Conveys the undivided one-half of the S  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Sec. 3, Twp. 26 N., R. 6 E. of the 3rd P.M.
- 13 Affidavit of F.M. Patton. Subscribed and sworn to October 23, 1909. Recorded November 6, 1909 in Miscellaneous Record 12 page 213. Affiant, being first duly sworn, upon his oath deposes and says that he is now and has been for 52 years last past a resident of the City of Fairbury, Livingston Co., Ill. Further says that he is a son of Caleb L. Patton, deceased. That Caleb L. Patton who appears as one of the parties in a Bond for Deed given by John L. Miller to Caleb L. Patton, dated February 12, 1855, recorded March 30, 1855, in the County Recorder's Office of said Livingston County in Book "E" page 586 agreeing to convey the SE  $\frac{1}{4}$  of Sec. 3, Twp. 26 N., R. 6 E. of the 3rd P.M. and Caleb Patton, who appears as grantee in a deed from John Leland Miller to Caleb Patton, said deed being dated October 16, 1857, and recorded in the County Recorder's Office of said Livingston Co., Feb. 24, 1858, in Book K page 258 said deed conveying the S  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Sec. 3, Twp. 26 N., R. 6 E. of the 3rd P.M. are one and the same person. Further says that Caleb L. Patton, who later with one Octave Chanute as owners and proprietors of the S  $\frac{1}{2}$  of Sec. 3, Twp. 26 N., R. 6 E. of the 3rd P. M. and a part of the NE  $\frac{1}{4}$  of Sec. 10, Twp. 26 N., R. 6 E. of the 3rd P.M. all in Livingston Co. Ill. platted and laid out the original town of Fairbury, in the said County and State aforesaid, and the C.L. Patton, who signed and acknowledged the said plat are one and the same and are the same person hereinbefore mentioned as Caleb Patton, and Caleb L. Patton. Further says that Caleb L. Patton, who with Orpha, his wife, appears as grantor in a certain deed conveying to Andrew J. Cropsey, the undivided one-half interest in the S  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Sec. 3, Twp. 26 N., R. 6 E. of the 3rd P.M. said deed being signed C.L. Patton and being dated May 10, 1858, and recorded in the County Recorder's Office of said Livingston County, May 22,

1858, in Book M page 549 are one and the same person and are one and the same person as the Caleb Patton, Caleb L. Patton and C.L. Patton, heretofore mentioned as being in any way connected with the title to said premises and that the said Caleb L. Patton is identical with the said Caleb L. Patton, who with Orpha, his wife, in a Warranty Deed dated August 4, 1858, recorded in the County Recorder's Office of said Livingston County on February 27, 1860, in Book "Q" page 9, conveyed the undivided one-half interest in the S  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Sec. 3, Twp. 26 N., R. 6 E. of the 3rd P.M. to Octave Chanute, are one and the same person and one and the same person with the Caleb Patton, Caleb Patton and C.L. Patton mentioned heretofore in connection with the title to said premises. That the said Caleb L. Patton was the only person by that name who ever had any connection with the platting of the said Town of Fairbury and the title to said premises.

14 Affidavit  
of  
M.M. Miller.

Subscribed and sworn to February  
3, 1912.  
Recorded October 8, 1912, in  
Miscellaneous Record 14 page 141.

Affiant, being first duly sworn, upon oath states that he is of legal age, and of his own knowledge states as follows:—that he is a brother of John L. Miller, who on February 18, 1853, entered the SE  $\frac{1}{4}$  of Sec. 3, Twp. 26 N., R. 6 E. of the 3rd P.M. as shown on page 93 of the original entry Book of the County Clerk's Office of Livingston County and State of Illinois, and that the said John L. Miller was the same John Leland Miller who afterwards on October 4, 1853, received a patent to the said SE  $\frac{1}{4}$  of said Sec. 3, from the United States which said patent is recorded in Patent Record "P" page 217 on February 24, 1860, of the records of Livingston Co., Ill.

That the said John L. Miller is the same party who by the name of J. Leland Miller gave a bond for a deed to the said lands on Feb. 12, 1855, to one Caleb L. Patton as will appear from bond for deed recorded in Book "E" page 586 on March 30, 1855, of the records of said Livingston County; That the said John L. Miller is the same party who by warranty deed recorded in Book R page 129 of the records of said Livingston County, dated June 11, 1860, recorded June 22, 1860, conveyed the N  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of said Sec. 3, to Caleb L. Patton and that the said John L. Miller is the same party who was married March 4, 1862 to Julia Atkins as will appear from marriage record "C" page 307 under license dated February 24, 1862, of the records of Livingston County, Illinois.

15 C. L. Patton &  
Orpha, his wife,  
Andrew J. Cropsey &  
Maria J., his wife,  
to  
Octave Chanute.

Quit-Claim Deed.  
Dated October 25, 1861.  
Recorded November 6, 1861 in  
Book "Q" page 633.  
Consideration \$1.00.  
Conveys Lot 11 in Block 25 in  
Fairbury, (with other property)

REMARK:—The 1st grantor acknowledges as Caleb L. Patton;  
The first and second grantors acknowledge on October 30, 1861,  
before Andrew J. Cropsey, a N.P. of Livingston Co. Ill.  
Notarial seal omitted.

16 O. Chanute &  
Annie, his wife,  
to  
Tamer E. Deits.

Warranty Deed.  
Dated March 10, 1865.  
Recorded June 15, 1867 in  
Book 33 page 448.  
Consideration \$75.00.

Conveys Lot 11 in Block 25 in Fairbury.  
Reserves right to mine.

REMARK:—The first grantor acknowledges as Octave Chanute.



- 17 Tamer E. Deits,  
and  
Christopher, her husband,  
to  
John Ackerman &  
Jacob Brown. Warranty Deed.  
Dated August 30, 1865.  
Recorded June 15, 1867 in  
Book 33 page 449.  
Consideration \$900.00.  
Conveys Lot 11 in Block 25 in  
the Town of Fairbury.  
Reserving the right to mine, etc.
- 18 Jacob Brown &  
John Ackerman,  
to  
Jacob De Witt. Mortgage.  
Dated February 7, 1870.  
Recorded March 2, 1870 in  
Book H page 523.  
To secure one note even date  
herewith for \$1000, due October 1, 1870,  
Conveys the premises last described.
- 19 Jacob Brown &  
Rosa Brown,  
John Ackerman,  
to  
John Virgin. Warranty Deed.  
Dated July 27, 1875.  
Recorded March 5, 1906 in  
Book 145 page 297.  
Consideration \$450.00.  
Conveys the premises last described.  
REMARK:- The second grantor is  
described in the body of the deed  
as wife of the first grantor.
- 20 Geo. H. Wentz,  
Sheriff of Livingston  
County, Illinois,  
to  
Newton Matthews. Tax Deed.  
Dated September 30, 1869.  
Recorded December 24, 1869 in  
Book 41 page 407.  
Consideration \$30.00.  
Conveys the premises last described.  
Sold on June 17, 1867, for non-  
payment of taxes. (with other pro-  
perty)
- 21 Andrew J. Cropsey &  
Maria J., his wife,  
to  
Octave Chanute. Quit-Claim Deed.  
Dated May 12, 1858.  
Recorded July 9, 1858 in  
Book H page 455.  
Consideration \$1.00.  
Conveys Lot 12 in Block 25 in Fairbury, (with other property)  
REMARK:- The first grantor acknowledges as A.J. Cropsey.
- 22 Octave Chanute &  
Annie, his wife,  
to  
N.S. McDowell. Warranty Deed.  
Dated October 1, 1867.  
Recorded February 25, 1868 in  
Book 34 page 428.  
Consideration \$150.00.  
Conveys the premises last described.
- 23 Nelson S. McDowell &  
Susan E., his wife,  
to  
Isaac P. McDowell &  
Woodford G. McDowell. Warranty Deed. Dated Sept. 12, 1870.  
Recorded February 25, 1874 in  
Book 61 page 225.  
Consideration \$250.00.  
Conveys the premises last described.



24 Woodford G. McDowell & Anna C., his wife,  
to  
Isaac P. McDowell.

Quit-Claim Deed.  
Dated September 18, 1884.  
Recorded September 19, 1884 in  
Book 84 page 494.  
Consideration \$100.00.

Conveys Lot 12 in Block 25 in the original Town of Fairbury.

25 Isaac P. McDowell,  
to  
John Virgin.

Warranty Deed.  
Dated December 29, 1894.  
Recorded December 31, 1894 in  
Book 111 page 31.  
Consideration \$400.00.

Conveys Lot 12 in Block 25 in the original Town of Fairbury.

REMARK:- The grantor is described as a widower in the body of the deed.

26 Andrew J. Cropsey, & Maria J., his wife,  
to  
Octave Chanute.

Quit-Claim Deed.  
Dated December 24, 1861.  
Recorded December 26, 1861 in  
Book 8 page 476.  
Consideration \$1.00.

Conveys Lots 13 and 14 in Block 25 in the Town of Fairbury.  
(heretofore sold to John McDowell)

27 Octave Chanute & Annie, his wife,  
to  
Sarepta Jane McDowell.

Warranty Deed.  
Dated June 24, 1863 and  
Recorded March 2, 1865 in  
Book 26 page 269.  
Consideration \$120.00.

Conveys Lots 13 and 14 in Block 25 in the Town of Fairbury.

REMARK:- No County in venue of the acknowledgment. Acknowledged before Harrison Smith, a N. P. of the City of Peoria, in said County, State of Illinois, on June 24, 1863, Seal attached.

28 Affidavit  
of  
Sarepta J. Virgin.

Subscribed and sworn to March 6, 1906.  
Recorded March 10, 1906 in  
Miscellaneous Record 9 page 544.

Affiant, being sworn, says that she is the owner of Lots 11, 12, 13 and 14 in Block 25 in the Original Town of Fairbury; that she is the widow of John Virgin, deceased, and is the same identical person who was married to said John Virgin on January 27, 1865, license for said marriage having been issued reciting her name as Jennie McDowell.

Affiant further says that her maiden name was Sarepta Jane McDowell, and that by that name she received conveyance of Lots 13 and 14 aforesaid from Octave Chanute under date of June 24, 1863, recorded in Book 26 of Deeds at page 269, in Livingston County.

That said lots were deeded to her as above described by direction of her father, John McDowell, for a valuable consideration. That of her own knowledge her husband John Virgin was in the actual, open, and undisputed possession of Lot 11 in Block 25 from the date he acquired title thereof, about the year 1870, as affiant remembers. And that no other person has since that date made any claim to said premises or against the same by reason of the Mortgage of Jacob Dewitt as recorded in Book H at page 523 or Tax Deed to Newton Mathews, recorded in Book 41 of the records of Livingston Co., Ill. at page 407. That it is her belief and understanding that said Mortgage was fully paid

and satisfied, and that no payment of either principal or interest has been made upon the same for more than 20 years last past and that said Newton Mathews was not at any time in possession or claiming possession of said premises since the date of the deed thereof to her said husband, now deceased.

- 29 Sarepta J. Virgin &  
John, her husband,  
to  
Nelson S. McDowell.  
Warranty Deed.  
Dated November 15, 1865.  
Recorded November 16, 1865 in  
Book 28 page 171.  
Consideration \$300.00.  
Conveys Lots 13 and 14 in Block 25 in the original Town  
of Fairbury.
- 30 Nelson S. McDowell &  
Susan E., his wife,  
to  
John Virgin.  
Warranty Deed.  
Dated August 29, 1872.  
Recorded March 9, 1876 in  
Book 63 page 3.  
Consideration \$685.55.  
Conveys Lots 13 and 14 in Block 25 in the original Town  
of Fairbury.
- 31 John Virgin &  
Sarepta J., his wife,  
to  
Nelson S. McDowell.  
Mortgage.  
Dated August 29, 1872.  
Recorded September 16, 1872 in  
Book "S" page 84.  
To secure three notes of even date  
herewith aggregating \$685.55, the  
last note due August 20, 1875, with interest at 10% per annum.  
Conveys the premises last described.
- 32 Susan E. Champlin,  
widow of Nelson S.  
McDowell,  
Jessie Bright, heirs  
at law of Nelson S. McDowell,  
dec'd.  
to  
John Virgin &  
Serepta J. Virgin.  
Release.  
Dated March 7, 1906.  
Recorded March 10, 1906 in  
Book 140 page 326.  
Consideration \$1.00.  
Releases all right, title, claim,  
interest or demand acquired by a  
Mortgage dated August 29, 1872,  
recorded in Book "S" of Mortgages  
at page 84 to the premises therein  
described, to-wit:- (premises last  
described.)
- 33 Frank C. McDowell,  
Heir at law of  
Nelson S. McDowell,  
to  
John Virgin &  
Serepta J. Virgin.  
Release.  
Dated August 3, 1906.  
Recorded August 31, 1906 in  
Book 140 page 382.  
Consideration \$1.00.  
Releases all right, title, claim,  
interest or demand acquired by a  
Mortgage dated August 29, 1872,  
recorded in Book S of Mortgages  
at page 84 to the premises therein  
described, to-wit:- Lots 13 and  
14 in Block 25 in the Original Town,  
now City of Fairbury.



- 34 Nelson R. McDowell &  
Grace McDowell,  
husband & wife,  
to  
John Virgin &  
Serepta J. Virgin.  
Release.  
Dated September 26, 1906.  
Recorded September 28, 1906 in  
Book 140 page 389.  
Consideration \$1.00.  
Releases all right, title, claim,  
interest or demand acquired by a  
Mortgage dated August 29, 1872,  
recorded in Book "S" of Mortgages at page 84 to the premises  
therein described, to-wit:- Lots 13 and 14 in Block 25 in the  
Original Town, (now Village) of Fairbury.
- 35 John Virgin &  
S.J., his wife,  
to  
Cicero C. Bartlett,  
Treasurer Twp. 26,  
Range 6.  
Mortgage.  
Dated June 26, 1876.  
Recorded June 28, 1876 in  
Book 34 page 524.  
To secure one note of even date  
herewith for \$500.00.  
Conveys the premises last described.
- 36 On the margin of the record of the Mortgage recorded in Book  
34 of Mortgages at page 524 to the premises therein described  
appears the following:-  
For and in consideration of the full payment of the within  
Mortgage, I hereby release and quit-claim the same to John Virgin,  
this 30th, September, 1879.  
Attest:  
W.H. Jenkins, Clerk.  
S. Cordeal, Deputy.  
C.C. Bartlett, (SEAL)  
School Treasurer,
- 37 In the matter  
of the estate  
of  
John Virgin,  
deceased.  
In Probate.  
Petition of Sarepta J. Virgin,  
subscribed and sworn to June 17,  
1901, and filed June 25, 1901, re-  
presents that John Virgin, late of  
County of Livingston and State of  
Illinois, departed this life on or about November 26, 1900, leaving  
no Last Will and Testament.  
Further shows that the said John Virgin, died, seized and  
possessed of Real Estate and Personal Estate, etc, That said  
deceased left surviving him, Petitioner, his widow and Minnie  
Cooley and Daisy Virgin his children as heirs. That petitioner  
(being widow of said deceased) prays that Letters Testamentary be  
granted to C.R. Virgin.
- 38 Oath of C.R. Virgin, as Administrator of the estate of  
John Virgin, deceased, subscribed and sworn to June 24, 1901, and  
filed June 25, 1901.
- 39 Bond of C.R. Virgin, as Administrator of the estate of  
John Virgin, deceased, in the penal sum of \$500.00, with surety,  
filed and approved June 25, 1901.



39

Letters of Administration issued June 25, 1901, to C.R. Virgin, as Administrator of the estate of John Virgin, deceased.

40

Inventory of the estate of John Virgin, deceased, filed July 8, 1901, mentions Lots 12, 13, and 14 in Block 25 in the original Town of Fairbury (with other property).

41

Affidavit of publication and posting of notices of day of adjudication of claims, filed September 2, 1901.

42

Written Entry of Appearance of Sarepta J. Virgin, Daisy Virgin, and Minnie Cooley, to the final settlement of the estate of John Virgin, deceased, filed July 6, 1903.

And now come Sarepta J. Virgin, Minnie Cooley and Daisy Virgin, widow and only heirs at law of the estate of John Virgin, deceased, and waive notice of final settlement and consent that the final report of C.R. Virgin, Administrator of said estate be approved, and that the Court enter the usual order, discharging him from further duties as such Administrator and discharging his bond from further obligation therein.

43

Final Report of C.R. Virgin, as Administrator of the estate of John Virgin, deceased, filed and approved July 6, 1903.

Reports that said estate has been wholly settled leaving a balance of \$3492.20 and interest still owing upon the judgment of Serepta J. Virgin, but there is no money or property within petitioners knowledge, with which to pay the same. And now having made full report and submitted vouchers herewith, Petitioner asks to be discharged and his bond discharged.

44

Probate Journal "X" page 182.

July Term, 1903.

July 6, 1903.

In the matter  
of the estate  
of  
John Virgin,  
deceased.  
C.R. Virgin,  
Administrator.

Now on this day comes the Administrator aforesaid and presents to the Court a Final Report of his acts and doings as Administrator of the estate of said deceased, showing said estate to be fully settled and all debts and claims fully paid, and now again comes

said Administrator and files herein the written entry of appearance of all the heirs of said deceased for the purpose of Final Settlement and consent to the approval of said report. And now the Court having duly examined said report and said appearances being filed, and being fully advised doth order, that said Final Report be and the same is hereby approved and ordered recorded. It is further ordered that said Administrator together with his bond filed herein, stand discharged.

## IN THE COUNTY COURT OF LIVINGSTON COUNTY, ILLINOIS.

45

In the matter of the  
Petition to Sell Real  
Estate to Pay Debts,  
of the estate of  
John Virgin, dec'd.

In Probate.  
Petition of C.R. Virgin, as Admin-  
istrator of the estate of John  
Virgin, deceased, filed December  
10, 1901, represents that the said  
John Virgin, departed this life on  
or about the 26" day of November, A.D. 1900. That petitioner was  
on the 25" day of June, A.D. 1901, duly appointed by the County  
Court of said County, Administrator of the estate of said deceased,  
and qualified as such Administrator, as will appear by the records  
of that Court.

That the Inventory of said estate has been duly filed in the  
office of the Clerk of this Court, as required by law, that the  
undersigned as such Administrator, has rendered to said Court  
a just and true account of the personal estate and debts of said  
deceased, a copy of which account is hereto attached and made  
a part of this petition, for reference and evidence marked  
"Exhibit A".

That no personal estate of said intestate has come to the  
hands of petitioner, or is known to him, and by reason thereof  
the said estate is insufficient to pay the claims now filed and  
allowed against it, which claims now filed and allowed amount  
to the sum of \$16445.60.

That petitioner has had no personal property to be applied  
to the payment of said debts and that there is a deficiency of  
personal property to pay the debts of the said deceased.

46

Further shows that the said John Virgin died owning certain  
real estate in the County of Livingston and State of Illinois,  
described as follows, to-wit: Also Lots 11, 12, 13 and 14 in  
Block 25 in the original Town of Fairbury, (with other property)  
which said real estate petitioner believes the said deceased  
owned in fee at the time of his death, but which is now subject  
to the right of dower of his widow, Sarepta J. Virgin. That  
said real estate is reasonable worth the sum \$12,000.00.

That the said deceased left him surviving the said Sarepta  
J. Virgin, as his widow, and she having a dower interest in his  
real estate as above set forth, and the following named children,  
to-wit: Minnie Cooley, married to A. Cooley and Daisy Virgin,  
who is unmarried. That said land is occupied by Sam Hanna, as  
tenant, whose term of tenancy expires March 1", 1902, all of  
whom are made parties hereto and are interested therein.

Prays that the said Sarepta J. Virgin, Minnie Cooley, A.  
Cooley, Daisy Virgin and Sam Hanna may be summoned and required  
to answer all the matters herein stated and charged, but not  
under oath, answer under oath being expressly waived.

47

And the Court will first ascertain the right of dower remain-  
ing in said premises, and having set off and assigned the same,  
will order and direct petitioner to sell the remaining real  
estate according to law, or so much thereof, as may be necessary  
to pay the debts of said deceased, and to make such further order  
and decree in the premises as may be necessary, pursuant to the  
statute in such cause made and provided.

-----  
Written Entry of Appearance of Sarepta J. Virgin, Daisy  
Virgin, Mrs. M. A. Cooley, A. Cooley and S. Hanna, filed January  
9, 1902.

They hereby enter their appearance in the above entitled  
cause, in writing, to the January Term of said Court, each  
waiving issue and service of summons therein, for the purpose  
of saving costs and expenses, and each consenting to all such  
action and proceedings as may be required in the nature of said  
petition.



48

Additional Bond of C.R. Virgin, as Administrator of the estate of John Virgin, deceased, in the penal sum of \$25,000.00, with surety, filed and approved January 9, 1902.

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49

Decree, signed by Fred G. White, County Judge, filed January 9, 1902.

And now comes Clarence R. Virgin, petitioner, as Administrator of the estate of John Virgin, deceased, by his solicitor and presents his petition herein, asking for leave to sell the real estate of said deceased, described therein, to pay the debts of said deceased, and if satisfactory appearing to the Court that the said petition duly signed and verified by the affidavit of petitioner and has been filed more than ten days before the commencement of this January Term of said Court, to which application is made; and it further appearing to the Court that each of the defendants to said petition is adult and has entered his appearance in writing in the following words, to-wit:-(Gives Entry of Appearance as shown at # 47 hereon.)

And it appearing to the Court from the foregoing that the Court has full, complete jurisdiction of the persons of each and every said defendants and of the subject matter in said petition presented to hear and to judicate upon the matters therein prayed, and said defendants and each of them having failed to appear and plead, answer or demur to said petition, it is therefor ordered by the Court that said defendants be called. And they each having been called in open Court, came not or any one for them, but therein failed and made default, which is ordered to be entered of record, and a decree pro confesso entered against them herein respectively.

50

And this cause having been brought now to be heard upon the petition herein taken as confessed by each of said defendants, filed as aforesaid, and the exhibits records of this Court and proofs, and the oral testimony of witnesses duly sworn, who testified herein in open Court, and it satisfactorily appearing to the Court, from the evidence that the said John Virgin departed this life on or about the 26" day of November, A.D. 1900, leaving the defendants Sarepta J. Virgin and Daisy Dean Virgin, who is an unmarried, woman, and Minnie A. Cooley, his widow and only children and heirs at law; that the petitioner herein was duly appointed administrator of the estate of said John Virgin, deceased, and that letters of Administration were duly granted to him by this Court, bearing date on the 25" day of June, A.D. 1901; and the Court having ascertained that the said petitioner as aforesaid has made a just and true inventory and thereafter a statement of the account of the condition of the estate of said deceased to this Court and that the personal estate of said deceased is not sufficient for the payment of the debts of said John Virgin, deceased; and the Court having found the amount of the deficiency aforesaid to be the sum of \$16445.60, besides interests and costs; and it further appearing to the Court that the said John Virgin died seized of the following described real estate, situated in the County of Livingston and State of Illinois, to-wit:- the E  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Sec. 27, Twp 27 N., R. 6 E, of the 3rd P. M. and Lots 11, 12, 13 and 14 in Block 25 in the Original Town of Fairbury.

And the Court having likewise ascertained that none of said real estate was occupied as a homestead, but that the widow, Sarepta J. Virgin, is entitled to be endowed of all of said lands. And it likewise appears that the said widow has filed her consent in writing to the sale of said lands in words as follows:-(Gives Widow's Consent to Sell as shown at # 52 hereon)

And upon evidence heard in open Court it appears that the age of said widow is fifty-nine years and that under her consent above recited she is entitled to present worth of her dower estimated under the tables of mortality as of the age of fifty-nine years.



51

And the Court having ascertained that it will be necessary to all of the said real estate to pay the deficiency aforesaid with the expenses of administration now due and to accrue, it is therefor ordered, adjudged and decreed that the prayer of said petition be granted and that the said petitioner shall proceed according to law, to advertise and make sale of all of said real estate above described, or so much thereof as may be necessary to pay the debts now due from said estate and the costs of administration now due and to accrue. And it is likewise ordered and decreed by the Court that said sale shall be made on the following terms, to-wit:- all cash upon the approval of said sale and delivery of deed thereunder, which terms shall be distinctly set forth in all advertisements of said sale.

It is further ordered that the said Administrator file his additional bond in the sum of \$25,000.00, conditioned as required by law, which bond with sufficient sureties is now filed in open Court and approved.

It is further ordered that upon such sale being made, that said administrator make and execute to the purchaser or purchasers of said real estate, good and sufficient deed or deeds to convey the interest of said deceased therein at the time of his decease with all convenient speed. It is likewise further ordered by the Court that before the said administrator pay any of said money so derived from such sale upon the claims allowed against said estate, he abide the further orders of this Court ascertaining the value of the widow's dower therein, to be set apart and paid to her under the subsequent orders of this Court.

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52

Widow's Consent to Sell Real Estate to Pay Debts, filed January 9, 1902.

Sarepta J. Virgin, widow of John Virgin, deceased, and defendant in the above entitled cause, hereby consents that sale of the premises named in said petition, to-wit:- Lots 11, 12, 13 and 14 in Block 25 in the original Town of Fairbury, (with other property), may be made by the Administrator in the above entitled cause, and that the dower interest of the said widow therein may be ascertained from the money to be realized in said sale and paid to her in accordance with the law in such cases made and provided, hereby expressly waiving the right to have said dower awarded and set apart to her out of said premises in kind.

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53

Report of Sale, filed March 12, 1902.

C.R. Virgin, as Administrator of the estate of John Virgin, deceased, reports that by virtue of decree heretofore entered in this Court in the above entitled cause, he did, on the 10th. day of February, A.D. 1902, at two o'clock in the afternoon of said day at the front door of the City Hall of Fairbury in said County and State, offer for sale at public vendue, the real estate described in said decree; that he offered said lands first in tracts of 40 acres and afterwards as an entire body, and Sarepta J. Virgin having bid therefor the sum of \$8400, for the said tract of land, being the E  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Sec. 27, Twp. 27 N., R. 6 E. of the 3rd P.M. And the said Administrator in like manner then offered for sale the remaining real estate described in said decree being Lots 11, 12, 13 and 14 in Block 25 in the original Town of Fairbury, and the said Sarepta J. Virgin, having bid the sum of \$5500, for the same and she being the highest and best bidder for said last described real estate, the same was struck off and sold to her at the sum aforesaid.

And now under the terms of said sale, this Administrator has executed and here presents for the approval of this Court and to be delivered to the said Sarepta J. Virgin the deed of conveyance for all of said real estate, as Administrator of the estate of said John Virgin, deceased.

LIVINGSTON COUNTY ABSTRACT COMPANY



And this Administrator further reports that previous to making said sale, he caused a notice of which the annexed is a true copy to be published for four successive weeks in the Fairbury Blade, a weekly newspaper, published in Fairbury, in said County, where said real estate is situated, and he also caused to be posted up similar notices in four of the most public places in said County, four weeks previous to the day of said sale.

Petitioner prays the approval of said deed, that he may deliver the same and accept payment in accordance with the terms of said sale.

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54

Publisher's Certificate of Publication of Notice of Sale of Real Estate, filed March 12, 1902.

Fulton & Sutton, Publisher's of The Blade, a Weekly Secular Newspaper printed and published in the Village of Fairbury, in Livingston Co., Ill. certify on March 12, 1902, that the Advertisement, or Notice, hereto annexed, relating to the matter of Administrator's Sale of Real Estate of John Virgin, deceased, has been published in said paper, and in every issue and impression thereof four weeks successively, of the issues commencing January 17, 1902, and ending February 7, 1902, which are the dates of the first and last papers containing the same.

A copy of the notice above referred to is attached to the above certificate, giving the time, place, and terms of said sale, together with a description of the premises to be sold.

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55

Decree Confirming Sale of Real Estate, signed by Fred G. White, Judge, filed March 12, 1902.

On this day comes C.R. Virgin, Administrator of the estate of John Virgin, deceased, and presents his report of sale of real estate under the decree rendered at the January Term of this Court, in the above entitled cause, which said report is examined, and, being found correct, is hereby approved and ordered recorded. And it is further ordered, that said sale be and the same is hereby confirmed.

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56

C.R. Virgin, as  
Administrator of  
the estate of  
John Virgin, dec'd.  
to  
Sarepta J. Virgin.

Administrator's Deed.  
Dated February 24, 1902.  
Recorded March 15, 1902 in  
Book 92 page 502.  
Consideration \$5500.00.  
Recites that whereas, the County  
Court of Livingston Co., Ill. at a

regular Term, A.D. 1902, in a certain cause brought under the Statute wherein the said C.R. Virgin, as Administrator of the estate of John Virgin, deceased, was plaintiff, and Sarepta J. Virgin, et al. were Defendants, did by order duly entered, empower and direct the said C.R. Virgin, as such Administrator, to sell at public vendue, the real estate of the said John Virgin, dec'd., hereinafter described, for the purpose of paying the just claims against his estate;

And whereas, in pursuance of said decretal order of the County Court aforesaid, the said party of the first part, as such Administrator aforesaid, having given due public notice of the intended sale by causing a notice of the terms, time and place of such sale, together with a description of the real estate to be sold, to be previously posted for four weeks, at four of the most public places in the County where such real estate was sold, and also to be published, for four successive weeks prior to said sale, in the Fairbury Blade, (the same being the nearest newspaper in the State of Illinois) agreeably to the order and direction of the said County Court, and in accordance with the statute in such case made and provided, did, on February 10, 1902, pursuant to the order

LIVINGSTON COUNTY ABSTRACT COMPANY



and notice aforesaid, sell at public vendue, the real estate of the said John Virgin, deceased, hereinafter described, to Sarepta J. Virgin, the said party of the second part, for the sum of \$5500.00, she being the highest bidder therefor; And

Whereas, the said party of the second part has in all things complied with the terms of said sale on her part to be performed therefore, in consideration of the premises and the sum of \$5500, the party of the first part has granted, bargained and sold, to the said party of the second part, her heirs and assigns, the following described lot, piece or parcel of land, situated in Livingston County, Illinois, to-wit:- Lots 11, 12, 13 and 14 in Block 25 in the Original Town of Fairbury.

The above deed is endorsed in red ink on the face as follows:-  
"Approved in open Court this---day of March, 1902.

Co.Judge.

- - - -

57

Sarepta J. Virgin,  
widow,  
to  
T.S. O. McDowell.

Warranty Deed.  
Dated March 1, 1906.  
Recorded March 10, 1906 in  
Book 145 page 347.  
Consideration \$7000.00.

Conveys Lots 11, 12, 13 and 14 in Block 25 in the Original Town (now City) of Fairbury.

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IN THE CIRCUIT COURT OF LIVINGSTON COUNTY, ILLINOIS.

58

T. S. O. McDowell,  
vs  
Jacob DeWitt, et al.

In Chancery #3799.  
Bill to Quiet Title and Relief,  
filed August 24, 1906, Orator T.S.  
O. McDowell, represents that he is

the owner in fee and in possession of the following described real estate, to-wit:- Lot 11, Blk. 25 in Fairbury, County of Livingston and State of Illinois, and has been since on to-wit:- the 1st. day of March, 1906, when he received a deed for said premises from Sarepta J. Virgin and orator, further represents that the said Sarepta J. Virgin was the owner of and in possession of said premises since on to-wit:- March 15, 1902, when she received a deed for said premises from C.R. Virgin, Administrator of the estate of John Virgin, deceased.

Further shows that in his lifetime he was the owner of and in possession of said property for many years prior to his death and that he was the owner of and in possession thereof up until the time of his death.

Further represents that John Virgin departed this life intestate on or about November 26, 1900, and that Letters of Administration were duly issued to C.R. Virgin as Administrator and that said Lot was duly sold by the Administrator of said estate to pay the debts of John Virgin, deceased, to Sarepta J. Virgin.

Further shows that from the time of the death of John Virgin deceased, up until March 15, 1902, Sarepta J. Virgin was in possession of said premises for herself and John Virgin, deceased.

Further represents and shows that Jacob Brown and John Ackerman were the owners of an in possession of said Lot 11 and that while in possession of said premises gave a mortgage to Jacob DeWitt for the sum of \$1,000, which mortgage is dated February 7, 1870, and recorded March 7, 1870, in Mortgage book H page 523 of the Livingston County Records.

Further represents that said mortgage has long since been paid or if not paid, the same has long since been barred by the Statute of limitations.

Further represents that Jacob Brown and John Ackerman, together with their wives executed and delivered a deed for said premises to John Virgin or to Sarepta J. Virgin, (formerly Sarepta



J. McDowell), but orator represents that said deed was never recorded and that the same has become lost but orator represents that any rights of the said Jacob Brown or John Ackerman or their wives, have long since been barred by the Statute of Limitations.

Further represent that he makes the wives of Jacob Brown and John Ackerman parties under the name of unknown owners of Lot 11 in Block 25 in the original Town of Fairbury, Livingston County, Illinois.

Further represents that he has been unable after diligent search and inquiry to ascertain the names of the wives of John Ackerman and Jacob Brown and Jacob Dewitt or to ascertain whether or not John Ackerman, Jacob Brown or Jacob Dewitt are dead or living and if dead, their heirs, devisees, executors and administrators.

Further represents and shows that he and those under whom he claims have been in the open, adverse, notorious, peaceable and continuous possession of said premises for more than twenty years last past, claiming to be the owners thereof and that orator and those under whom he claims have been in the adverse, open, notorious, peaceable and continuous possession of said premises under color of title for more than seven years last past and paid the taxes thereon before the same were offered for sale for delinquent taxes.

FORASMUCH THEREFORE, as orator is without remedy in the premises except in the Court of Chancery and to the end that the said Jacob Dewitt, the unknown heirs, devisees, executors and administrators of Jacob Dewitt, deceased, John Ackerman, the unknown heirs, devisees, executors and administrators of John Ackerman deceased, Jacob Brown, the unknown heirs, devisees, executors and administrators of Jacob Brown, deceased, the unknown owners of Lot 11 in Block 25 in the original Town of Fairbury, County of Livingston and State of Illinois, who are made parties defendant to the said bill, may be required to answer the same but not under oath, the answer under oath being hereby waived and that your honor find orator to be the owner in fee as against all the other said defendants of Lot 11 in Block 25 in the original Town of Fairbury, Livingston Co., Ill. and that John Ackerman and Jacob Brown together with their wives executed and delivered either a deed for said premises to either John Virgin or Sarepta J. McDowell, now Sarepta J. Virgin, or that the Court will find that the rights of them or their wives, heirs, devisees, executors and administrators have long since been barred by the Statute of Limitations and that orator and those under whom he claims have been in the adverse, open, notorious, peaceable and continuous possession of said premises for more than twenty years last past and that orator and those under whom he claims have been in the adverse, open, notorious, peaceable and continuous possession of said premises under color of title, claiming to be the owners, of for more than seven years last past and that they paid the taxes thereon before the same were offered for sale for delinquent taxes and that the Court will find that the mortgage aforesaid to Jacob Dewitt has long since been released or if not released that the same has long since been barred by the Statute of limitations and that the Court will appoint a guardian ad litem for the unknown minor and incompetent defendants.

Prays that summons in chancery be granted, directed to the Sheriff of the County of Livingston and State of Illinois, commanding him that he summon the defendants, Jacob Brown, the unknown heirs, devisees, executors and administrators of Jacob Brown, deceased, John Ackerman, the unknown heirs, devisees, executors and administrators of John Ackerman deceased, Jacob Dewitt the unknown heirs, devisees, executors and administrators of Jacob Dewitt, deceased, the unknown owners of Lot 11 in Block 25 in the original town of Fairbury, County of Livingston and State of Illinois, to appear before the said Court on the first day of the next October Term thereof, to be held at the Court House in Pontiac, in the County of Livingston County State of Illinois, then and there to answer this bill etc.

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Summons in Chancery issued August 24, 1906, by the Clerk of the Circuit Court of Livingston Co., Ill. under official seal, directed to the Sheriff of said Livingston County, commanding him that he summon John Ackerman, the unknown heirs, devisees, executors and administrators of John Ackerman, deceased, Jacob Brown, the unknown heirs, devisees, executors and administrators of Jacob Brown, deceased, Jacob DeWitt, the unknown heirs, devisees, executors and administrators of Jacob DeWitt, deceased, the unknown owners of Lot 11 in Block 25 in the original Town of Fairbury, in the County of Livingston and State of Illinois, in to be found in his County, personally to be and appear before the Circuit Court of said Livingston County, on the first day of the next term thereof, to be holden in the Court House in Pontiac, in said Livingston County, on the Second Tuesday of October, A.D. 1906, to answer unto T.S.C. McDowell, in his certain bill of complaint to Quiet Title and for Relief, filed in said Court on the Chancery side thereof.

Summons returned endorsed as follows:-

State of Illinois )  
:ss.  
Livingston County )

This summons returned by order of the Plaintiff's Attorney, John H. McFadden, this 29th. day of September, A.D. 1906.

Chas. H. Hoke, Sheriff.

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Affidavit of Non-residence, filed-----.

Affidavit having been filed in the office of the Circuit Clerk of the said County, satisfactorily showing that the said defendants Jacob DeWitt, the unknown heirs, devisees, executors, and administrators of Jacob DeWitt, deceased; John Ackerman the unknown heirs, devisees, executors and administrators of John Ackerman, deceased; Jacob Brown, the unknown heirs, devisees, executors and administrators of the said Jacob Brown, deceased, or the unknown owners of the following described real estate, to-wit:- Lot 11 in Block 25 in the Original Town of Fairbury, County of Livingston County and State of Illinois, of which the above named are non-residents of the State of Illinois, and subpoena having been issued against them, returnable to the second Tuesday of October, A.D. 1906.

"Now, notice is hereby given to the you and each of you, Jacob DeWitt, the unknown heirs, devisees, executors and administrators of Jacob DeWitt, deceased; John Ackerman, the unknown heirs, devisees, executors and administrators of John Ackerman, deceased; Jacob Brown, the unknown heirs, devisees, executors and administrators of Jacob Brown, deceased:

Now, therefore notice is hereby given to said non-residents defendants, above named, and to the said defendants that cannot be found and whose place of residence cannot be ascertained as aforesaid, unknown heirs, devisees, executors and administrators of the said several persons here above mentioned; that the above entitled suit is now pending in the Circuit Court of Livingston County, and State of Illinois,

Unless you shall be, and appear, before said Court on the first day of the next term thereof, to be held at the Court House in Pontiac, on the second Tuesday of October, and plead, answer or demur to said bill, the same will be taken as confessed against you, and a decree rendered according to the prayer thereof."

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Publisher's Certificate of Publication of Chancery Notice, filed October 31, 1906.

64

Fulton & Sutton, Publishers of the Blade, a weekly secular newspaper printed and published in the Village of Fairbury, in Livingston County, Ill. of current and general circulation in said County, certify on October 30, 1906, that the Advertisement or Notice, hereto annexed, relating to the matter of Bill to Quiet Title, T.S.O. McDowell, vs Jacob Dewitt, et al, has been published in said paper, and in every issue and impression thereof of four weeks successively of the issues commencing August 24, 1906, and ending September 24, A.D. 1906, which are the dates of the first and last papers containing the same.

A copy of the notice above referred to is attached to the above certificate, giving the venue, the Court, the title of the cause, the parties, giving the time and place of the return of summons, giving notice of the pendency of this proceeding to all defendants.

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Written Entry of Appearance of Jacob Brown, filed October 15, 1906.

65

He hereby enters his appearance as one of the defendants in the above entitled cause, and submits himself to the proceedings thereunder; also waives all process and service as required by law or any error thereunto in this entitled cause.

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66

Answer of unknown heirs, devisees, executors and Administrators of Jacob DeWitt, John Ackerman and Jacob Brown; the unknown owners of Lot 11 in Block 25, in the original Town of Fairbury, Livingston Co., Ill. by R.B. Campbell, their Guardian ad litem.

Replication to the above answer filed October 29, 1906.

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67

Order of default, appointment of Guardian Ad Litem, and Reference, signed-----, filed Oct. 29, 1906.

Now on this day comes the complainant by John H. McFadden, his solicitor, and it appearing to the Court from an inspection of the original papers filed in the said cause, a summons was issued in due form and returned by the sheriff of said County, except the defendant Jacob Brown who filed an entry of appearance for himself in this above entitled cause, and thereupon there was filed in the office of the Clerk of this Court an affidavit that the defendants Jacob Dewitt and John Ackerman their unknown heirs, devisees, administrators, executors and assigns, and the unknown owners or parties interested in Lot 11 in Block 25, in the original Town of Fairbury, State of Illinois, that a diligent inquiry has been made, and the places of residence and post-office addresses of the above defendants, except Jacob Brown are unknown and unable to be ascertained.

And thereupon the Clerk of this Court having caused a publication to be made in the Fairbury Blade, a newspaper of general circulation published in this said County for four successive issues, the first of which was more than 40 days prior to the first day of this Court, as provided by law, and by reason thereof, the Court finds that it has jurisdiction over each of the above defendants herein.

Now on this day, this cause coming to be heard upon the pleadings and the defendants, Jacob Dewitt, and John Ackerman, and unknown heirs, devisees, administrators, executors, assigns, and unknown owners, and by the defendant Jacob Brown who made an entry of general appearance in this case appeared not in person nor by solicitors, and being called three times in open Court to



plead, answer or demurrer, are considered to be in default and the said bill and each of the allegations therein contained or ordered, adjudged and decreed and taken as confessed against them and each of them.

And now on motion of J.H. McFadden, solicitor for the complainant that R.B. Campbell an attorney of this Court, be hereby appointed to appear for the said unknown owners and infants and incapable defendants and he having filed his answer in said cause and replication being filed thereto, this cause being at issue is ordered and referred to the Master in Chancery of this Court to take advance and report his conclusions and recommendations on the issues herein made.

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Report of H. E. Torrance, Master in Chancery of Livingston Co., Ill. filed December 1, 1906.

68

Recommends that by a decree of this Court the mortgage before mentioned shall be declared null and void against this complainant, his heirs, and assigns as a cloud upon the title of the complainant to the premises heretofore described, and that his title in said premises be confirmed and quieted as against the defendants herein.

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Decree, signed by G.W. Patton, Judge, filed December 1, 1906.

69

And now on this day comes the complainant by John H. McFadden, his solicitor, and it appearing to the Court here, from the writ issued herein to the Sheriff to the County of Livingston, and the return thereon that the defendants Jacob Dewitt and John Ackerman were not found in this County. And thereupon an affidavit having been filed that their residence could not be ascertained after diligent inquiry, and the Clerk of the said County having caused publication to be made in the Fairbury Blade, a paper of general and current circulation of this County which publication was issued for four consecutive weeks, the first of which, at least 40 days before the return day of said Court, as provided by law, and Jacob Brown who filed an entry of general appearance in this cause; and the defendants having been severally three times called in open Court to plead, answer, or demur to the complainant bill came not, but herein made default; it is therefor Ordered, Adjudged and Decreed, that the same be taken as confessed against the said defendants, and each of them.

On this day comes the petitioner by J.H. McFadden his solicitor, and the unknown defendants by Bruce Campbell, their guardian, ad litem; and it appearing to the Court that the defendants were served by the publication issued by the Circuit Clerk of said County to the Fairbury Blade a paper of general and current circulation which appeared for four consecutive weeks, and at least forty days before the return day of the aforesaid term of Court; and it appearing to the Court that they were unknown defendants, and the Court having appointed Bruce Campbell guardian ad litem for such unknown defendants filed an answer to said bill, and the petitioner his replication thereto; and the Court having ordered said cause to be referred to the Master in Chancery of this Court to take evidence to the Court, the proof of the matters alleged in said bill; and the said Master having made report thereof; which is hereby approved and confirmed by this Court; and this cause coming on to be heard upon this bill, exhibits, answer, or the defendants, by their guardian ad litem, and the replication thereto, together with the testimony taken and reported to the Court by the said Master, and the Court having heard the arguments of counsel and being fully advised in the premises and on consideration thereto doth find that the petitioner T.S.C. McDowell, his owner in fee of the following described real estate to-wit:- Lot 11 in Block 25 in the original Town of Fairbury. That all the interest of John Ackerman and Jacob Brown are divested, by a deed of conveyance duly acknowledged and recorded in volume 145 page 297



70

in the recorders office of Livingston Co., Ill.

The Court doth Order, Adjudge and Decree, that a certain Mortgage deed of conveyance from Jacob Brown and John Ackerman to Jacob DeWitt of February 7th, 1870, in Book H page 523 in the Recorders Office of Livingston Co., Ill. which is due October 1, 1870; has been paid or if not has long been barred by the Statute of Limitations; that the aforesaid mortgage be hereby released and declared null and void, as against the title of the complainant, his heirs, and assigns, as a cloud upon the title of the complainant; and forever quit and set to rest as against the world; and vest the title in the complainant his heirs or assigns against anyone and everybody who may claim an interest under this instrument

And it is further ordered, adjudged and decreed that the title of the complainant in and to the aforesaid lot be and the same is forever quieted and set at rest as against the demands of the defendants and each of them, are forever barred and enjoined from asserting any claim of title in or to said lot as against the Complainant his heirs or assigns. And it is further ordered that the costs of this proceeding be taxed to the complainant including a guardian ad litem fee, etc.

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IN THE COUNTY COURT OF LIVINGSTON COUNTY, ILLINOIS.

71

In the matter  
of the estate  
of  
T.S.O. McDowell,  
deceased.

In Probate.

Petition of Rose B. McDowell, subscribed and sworn to and filed October 25, 1911, represents that T.S.O. McDowell, who was at the time of his death a resident of the

County of Livingston, in the State of Illinois, departed this life at Fairbury, in Livingston County, Ill. on or about the 21st. day of October, A.D. 1911, leaving a last Will and Testament, which is herewith presented for probate.

That said will is subscribed by Walter L. Houghland, and J.F. Slocum of Peoria, Illinois, as witnesses to the execution thereof.

That the said testator in his said last will nominated and appointed Rose B. McDowell, the petitioner, Executor thereof; and that she is unwilling to accept and undertake the office and trust confided to her.

That the said T.S.O. McDowell died seized and possessed of real estate etc, and of personal property estimated to be worth about \$2000.00.

That said deceased left surviving him Rose B. McDowell, his widow and the following named persons as his only heirs at law and legatees:- Rose Lenore Wilcox and Thomas Scott McDowell.

Prays that the will may be probated and that Letters of Administration with Will annexed be granted to B.R. Thompson.

- - - -

72

Clerk's Certificate of Mailing copy of petition filed Oct. 25, 1911.

W.W. Kenny, Clerk of the County Court of Livingston Co., Ill., certifies on October 25, 1911, under official seal, that on the 25th day of October, A.D. 1911, and within five days after the filing herein of the petition for the probate of the paper writing purporting to be the last will and testament of said decedent, and not less than twenty days before the time set for the hearing thereof required by law, he mailed, postage prepaid, to each of the heirs, legatees and devisees of said decedent, whose postoffice address is stated in such petition, except to those who filed a written entry of appearance, a true copy of petition attached hereto directed to the respective postoffice addresses of said heirs,

LIVINGSTON COUNTY ABSTRACT COMPANY



Thomas Scott McDowell, Fairbury, Ill.

Written Entry of Appearance for probate of the Will of  
T.S. O. McDowell, deceased, filed November 4, 1911.

Rose Lenore Wilcox, enters her appearance in writing and waives notice and the issuing and service of process herein or a copy of the petition filed herein. And consents to the immediate probate of said will.

Proof of the Last Will and Testament of T.S.O. McDowell, deceased, by J.F. Slocum and Walter L. Houghland, subscribing witnesses, subscribed and sworn to and filed November 15, 1911.

Order admitting the Will of T.S. O. McDowell, deceased to Probate, filed November 15, 1911.

In the matter  
of the estate  
of  
T.S.O. McDowell,  
deceased.

of the estate  
of  
T.S.O. McDowell,  
deceased.

Now, on this day, this cause  
coming on for further hearing by  
the Court thereupon comes Rose B.  
McDowell, and makes due proof to  
the satisfaction of the Court of the death of the said T.S.O.  
McDowell, which proof is ordered by the Court to be entered of  
record. And the Court finds from the allegations in said petition  
contained and from the evidenced adduced in open Court, that the  
following named persons are all of the heirs at law and legatees  
of the said T.S.O. McDowell, deceased, to-wit:-

Rose B. McDowell, his widow,  
Rose Lenore Wilcox, his daughter,  
Thomas Scott McDowell, his son.

each of whom reside and have their post office address at Fairbury, Ill., and that each of the said named heirs at law and legatees of said deceased, whose Post Office address is known to said petitioner and shown in said petition, have been duly notified of the pendency of this proceeding by a copy of said petition, mailed to them by the Clerk of this Court in time and manner as required by law, and that each of the said named heirs at law and legatees of said deceased, whose post office address is unknown to said petitioner, have been duly notified of the pendency of this proceeding by the publication of notice by the Clerk of this Court in time and manner as required by law. And that the said Rose Lenore Wilcox who is of full age, duly filed her written entry of appearance herein on the 4th day of November 1911, in and by which she waived the service of a copy of said petition upon her and consents to the immediate probate of said will.

will. And now come Walter L. Hougland and J.F. Slocum, subscribing witnesses to the aforesaid instrument of writing and being first duly sworn, testify to the due execution of said instrument by the said T.S.O.McDowell, deceased, and their attestation thereof according to law, on the day of the date thereof, as and for the Last Will and Testament of the said T.S.O.McDowell, deceased, and at the time of the execution of said instrument said witness believed said testator to be of sound mind and memory, and under no constraint, which testimony is ordered by the Court to be entered of record in full. And the Court being now fully advised in the premises, it is ordered that the said instrument be and the same is hereby declared to be duly and sufficiently proven and authenticated as the true Last Will and Testament of T.S.O.

McDowell, deceased. . And it is further ordered that the said  
Will be entered of record. W.C.Graves, Judge.

The Will of T.S.O. McDowell, deceased, is as follows:-

76

I, T.S.O. McDowell, of Fairbury, County of Livingston and State of Illinois, being of sound and disposing mind and memory do hereby make, publish and declare this to be my last will and testament, hereby revoking all former wills by me made.

First:- It is my will that all my just debts and funeral expenses be fully paid.

Second:- I give, devise and bequeath to my wife, Rose B. McDowell, one third of my property, real, personal and mixed of whatsoever kind or nature or wherever the same may be located, the same to be hers forever, the said one third to be in lieu of her dower, widow's award, homestead or any other estate, she may have or claim to have in my estate.

Third:- I give, devise and bequeath to my children Rose Lenore Wilcox and Thomas Scott McDowell, all the rest and residue of my estate to be equally divided between them, share and share alike.

Fourth:- I hereby nominate and appoint my wife, Rose B. McDowell, my executrix of this my last Will and Testament and it is my will that she not be required to give any bond for the performance of her trust.

In Witness Whereof, I have hereunto set my hand and seal to the foregoing and hereby make, publish and declare the same to be my last will and testament, this 20th day of June, 1911.

T.S.O. McDowell, Seal.

The foregoing instrument was on the day of the date thereof signed, sealed, published and declared by T.S.O. McDowell, to be his last will and testament in our presence and we at his request and in his presence and in the presence of each other have subscribed our names thereto as witnesses.

Witnesses:-

Walter L. Houghland, M.D.  
J.E. Slocum.

77

Bond of B.R. Thompson, as Administrator with will annexed of the estate of T. S.O. McDowell, deceased in the penal sum of \$5000, filed and approved November 18, 1911.

78

Oath of B.R. Thompson, as Administrator with Will annexed of the estate of T.S.O. McDowell, deceased, subscribed and sworn to and filed November 18, 1911.

79

Letters of Administration with Will annexed issued November 18, 1911, to B.R. Thompson as Administrator, with Will annexed of the estate of T.S.O. McDowell, deceased.

80

Inventory of the estate of T.S.O. McDowell, deceased, filed and presented January 25, 1912, mentions Lots 11, 12, 13, and 14 in Block 25 in Fairbury; also Lot 1 in Block 18 in Fairbury, Ill. (with other property)

81

Affidavit of publication and posting of notices of day of adjudication of claims, filed January 6, 1912.

82

Report of B.R. Thompson, as Administrator with will annexed of the estate of T.S.O. McDowell, deceased, filed and approved January 25, 1912, shows receipts ----- \$947.30.

That no payments have been made because allowed claims filed



and to be allowed and debts, the payment of which has been solicited exceed by many thousands of dollars the value of all personal property.

Probate Journal 30 page 398. April 30, 1915.

83

In the matter  
of the estate  
of  
T.S.O. McDowell, deceased,  
B.R. Thompson, Admr. with  
Will annexed.

Whereas, the said B.R. Thompson, was, on the 18th day of October, A.D. 1911, appointed by this Court Administrator with the Will annexed of the estate of T.S.O. McDowell, deceased, and from thence on has been, and now is, the qualified and acting administrator of said estate, in which further and other proceedings are necessary to be had before it is finally settled, and

Whereas, the said B. R. Thompson, on December 7th, A.D. 1914, became and from thence has been, and now is, the qualified and acting Judge of the said county court of said Livingston County and is, therefore, disqualified, under the statute, by reason of his interest in said estate, from hearing and acting on matters in connection with said estate.

It is therefore, hereby ordered that the said estate and all undertermined matters and things in connection therewith, and all actions yet to be done therein, be, and the same are, hereby certified, under and by virtue of the authority conferred in the Statutes of said State of Illinois, to the Circuit Court of said Livingston County.

Dated at Pontiac, Illinois, this 30th day of April, A.D. 1915.

B.R. Thompson,  
County Judge of said  
Livingston County.

IN THE COUNTY COURT OF LIVINGSTON COUNTY, ILLINOIS.

84

In the matter of the  
Guardianship of  
Thomas Scott McDowell,  
a minor.

In Probate.

Petition of Rose B. McDowell, subscribed and sworn to and filed November 6, 1911, represents that Thomas Scott McDowell, is a minor aged 13 years on the 8th day of May A.D. 1911. That said minor is a resident of the County of Livingston, and State of Illinois, that he has no father living, or other legal guardian residing in this State; that said minor has real estate the annual rental value of which is estimated to be worth about \$1100.00.

That Petitioner is the Mother of and desires herself to be appointed Guardian of said minor.

85

Bond of Rose B. McDowell, as Guardian of Thomas Scott McDowell, minor, in the penal sum of \$7000, with sureties, filed and approved November 6, 1911.

86

Letters of Guardianship issued November 6, 1911, to Rose B. McDowell, as Guardian of Thomas Scott McDowell, minor,

Pending.

## IN THE CIRCUIT COURT OF LIVINGSTON COUNTY, ILLINOIS.

In re-estate of  
T.S.O. McDowell, dec'd.  
B.R. Thompson, Admr. with  
Will annexed, etc.

In Chancery. #4693.  
Petition to Sell Real Estate, etc.  
Certified from the County Court  
of Livingston Co., Ill. filed May 1,  
1915.

87

A copy of the order shown above was filed May 1, 1915 in  
the office of the Clerk of the Circuit Court of Livingston Co.,  
Ill.

W.W.Kenny, County Clerk and ex-officio Clerk of the County  
Court in and for said Livingston County, and keeper of the records  
and seal thereof, certified on May 1, 1915, under official seal,  
that the above and foregoing is a true and perfect copy of an  
order and certificate made in said County Court in the matter of  
the estate of T.S.O. McDowell, on the 30th day of April, A.D.  
1915, as the same appears to him from the records and files in  
said cause, now in his custody as such Clerk, being and remaining.

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Petition to Sell Real Estate to Pay Debts, subscribed and  
sworn to and filed May 1, 1915.

88

The petitioner B.R. Thompson, administrator with the Will  
annexed of the estate of T.S.O. McDowell, late of said County,  
deceased, represents that the said T.S.O. McDowell, departed this  
life at Fairbury, Ill. on or about October 21, A.D. 1911; that  
he, the petitioner, was on the 18th day of November, A.D. 1911,  
duly appointed, by the County Court of said Livingston County,  
administrator with the will annexed of said T.S.O. McDowell, de-  
ceased, etc, and that from thence to the present time he has been  
and now is, the duly qualified and acting administrator as afore-  
said.

89

That the inventory, appraisement bill and a former report  
of sale of real estate in said estate have been duly filed in  
the office of the clerk of said county court and that the under-  
signed has rendered to said court and presents to this court a  
just and true account of the personal estate and debts of said  
deceased, a certified copy of which account is hereto attached  
and made a part of this petition for reference and evidenced and  
marked Exhibit A"; that the personal estate of said T.S.O. McDowell,  
including the returns from certain lands sold in said Livingston  
County, in the State of Nebraska and in the State of New Mexico,  
as appears from the aforesaid account and exhibit, amounts to  
\$69,964.72, besides certain other claims, some of which are  
doubtful and desperate, in the hands of petitioner amounting to  
\$2500, of which petitioner will probably collect, or receive,  
the sum of \$1500 on certain notes which are not yet due and which  
can not be sold without great sacrifice; that the debts and de-  
mands allowed against the said estate, including certain necessary  
costs, expenditures and taxes incident to the selling of said  
several pieces of real estate and including interest on claims  
not yet paid and also including the necessary costs of adminis-  
tration embracing therein and the fees and expenses of petitioner  
conservator of the said McDowell and administrator of his estate,  
amount approximately to \$92,000; that the time for filing claims  
has expired and that the only claims on file and not allowed is  
one of Lutie McDowell in the sum of \$5,752.18, which, by the  
undersigned, as such administrator is being contested and as  
such it is not included in the estimate above given.

Further represents that there has come to his hands person-  
al estate and the proceeds and returns from real estate to the  
amount of \$69,964.72, and that he has disbursed and paid out  
upon claims and expenses of said estate \$68,628.16, as set forth  
in said exhibit A; that he has applied all the proceeds of said  
estate, which have come to his possession, except the sum of  
\$1336.56, as shown by said Exhibit A, toward the payment of said  
debts and expenses, as by his accounts and vouchers on file in

LIVINGSTON COUNTY ABSTRACT COMPANY



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this court will more particularly appear, and that there is a deficiency of personal property to pay the debts and costs and expenses of administration of said deceased.

Further represents that the said T.S.O. McDowell died seized in fee of certain real estate, situate in the original town, now city of Fairbury, in said Livingston Co., Ill. described as follows:- the East 18 feet of the W  $\frac{1}{2}$  of Lot 7 in Block 24; Lots 11, 12, 13 and 14 in Block 25; Lot 1 in Block 18, and Lots 13, 14 and the East 45 feet of Lot 12 in Block 6; that the whole or such part, of said real estate, as the court may deem necessary for the best interests of said estate and sufficient to pay the said deficit, should be ordered to be sold.

Further represents that said deceased left surviving him, Rose B. McDowell, as his widow, who has neither dower or homestead interest in said real estate, and also left surviving him his children Rose Lenore Wilcox (intermarried with one J.T. Wilcox) and Thomas Scott McDowell, and that the said Thomas Scott McDowell is a minor under the age of 21 years, to-wit:- of the age of 16 years, and that his duly and legally appointed guardian is the said Rose B. McDowell and that a guardian ad litem should be appointed for the said Thomas Scott McDowell to appear for him and defend his interest herein.

91

Further represents that the said East 18 feet of the W  $\frac{1}{2}$  of the said Lot 7 in Block 24 aforesaid, is improved with a building containing one story and a basement, which is occupied as follows:-the said basement by one Frank Jody, under a tenancy from month to month from said widow and children and the remainder thereof by the C.F. Sims, under a written lease from said widow and children for a term of ten years, expiring about 1923, the exact time of which and the terms thereof will more fully appear from the said written lease, ready to be produced upon the hearing thereof; that certain others of said premises are in possession of tenants, whose names and terms of leases are not now known to petitioner and he will, therefore, at a later time, ask leave, if he be so advised, to set out the names of said tenants and the terms of said leases and ask to have them be made parties defendant hereto.

Further represents that since his appointment as such administrator and on to-wit:- December 7, 1914, he became the County Judge of said Livingston County and that the fact of his interest in the said of T.S.O. McDowell, deceased, has been entered upon the records of said county court and said estate certified to this court for further action.

92

Forasmuch, therefore, as petitioner is without remedy in the premises, except in this Court, and to the end that the said C.F. Sims, Frank Jody, Rose B. McDowell, Rose B. McDowell, as Guardian of Thomas Scott McDowell, Rose Lenore Wilcox, J.T. Wilcox and Thomas Scott McDowell, who are made parties defendant to this petition, may be required to make full and direct answer thereunto, (but not under oath, the answer under oath being hereby waived); that a guardian ad litem may be appointed for said minor defendant Thomas McDowell and that petitioner may be ordered and directed to sell the real estate above described, or so much thereof as may be necessary to pay the debts of said estate and that petitioner have such further and other relief in the premises as shall seem meet and the merits of the case shall require.

Prays that summons in sale of real estate to pay debts be granted, directed to the Sheriff of Livingston Co., Ill. commanding him that he summon the said defendants, namely, C.F. Sims, Frank Jody, Rose B. McDowell, Rose B. McDowell, as guardian of Thomas Scott McDowell, Rose Lenore Wilcox and J.T. Wilcox, and Thomas Scott McDowell, to be and appear before the court at the next May Term thereof, to be holden in the court house in the city of Pontiac, in said county, on the second Tuesday in May, A.D. 1915, then and there to answer said petition.

Account attached shows a recapitulation as follows:-

Total receipts - - - - -	\$69,964.72.
Total paid out - - - - -	\$68,628.16
Balance due - - - - -	\$1,336.56

93

Written Entry of Appearance of Rose B. McDowell, individually and as guardian of the estate and person of Thomas Scott McDowell, a minor, Rose Lenore Wilcox, J.T. Wilcox, C.F. Sims, and F. Joda, filed June 24, 1915.

Each for himself or herself waive the issuing and also the service of summons in the above entitled cause and do hereby enter their appearance herein and consent that the same proceedings may be had, taken and done in said cause at the said May Term, A.D. 1915, of said court, or at any subsequent term thereof, to the same extent and with like effect as if they had been duly served with summons in said cause ten days and more before the first day of said May Term, 1915 of said court.

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Summons to answer petition for sale of real estate to pay debts issued by the Clerk of the Circuit Court of Livingston Co., Ill. on May 1, 1915, directed to the Sheriff of said County, commanding him that he summon C.F. Sims, Frank Jody, Rose B. McDowell, Rose B. McDowell, as guardian of Thomas Scott McDowell, Rose Lenore Wilcox, J.T. Wilcox, and Thomas Scott McDowell to appear before the Circuit Court of said Livingston County, on the first day of the next term thereof, etc, on the second Tuesday of May, A.D. 1915, to answer unto the petition of B.R. Thompson, as administrator with Will annexed of the estate of T.S.O. McDowell, deceased, etc.

Summons returned endorsed as follows:-

State of Illinois )	The within named defendants C.F.
:ss.	Sims, Frank Jody, Rose B. McDowell,
Livingston County )	Rose B. McDowell, as guardian of
and J.T. Wilcox,	Thomas Scott McDowell, Rose Lenore
Wilcox, not served by order of plaintiff, B.R. Thompson, dated this 10th. day of May, A.D. 1915.	

J.R. Ives, Sheriff.  
by R. Hill, Deputy.

Executed this writ this 1st, day of May, A.D. 1915, by reading it and delivering a true copy of the same to the within named defendants, Thomas Scott McDowell.

J.R. Ives, Sheriff.

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95

Answer of Thomas Scott McDowell, by Carlyle & Kerr, Guardians Ad Litem, filed June 24, 1915.

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96

Report of Stevens R. Baker, Master in Chancery, filed July 2, 1915.

Recommends that a decree be rendered in this cause authorizing the said administrator with the will annexed, to sell at public auction the said east 18 feet of the W  $\frac{1}{2}$  of Lot 7 in Block 24 in the original Town, now City, of Fairbury, in Livingston County, Ill. to pay the debts against said estate.

Further recommends that as to other real estate described in the petition, this cause be continued until he can be determined whether, after the sale of said lands recommended to be sold, sufficient funds can be realized by sale or mortgage as aforesaid, to pay the debts against said estate remaining unpaid after the sale of said premises recommended to be sold and the application of the proceeds of such sale toward such debts.

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Decree, signed by G.W. Patton, Judge, filed July 2, 1915, is as follows:-

98

Now on this 24th day of June A.D. 1915, the same being one of the regular days of said May Term, A.D. 1915, of said Circuit Court, and the said Court being duly convened and in session for the transaction of business, comes the said petitioner by his solicitors McIlhuff & Thompson, and it appearing to the Court here that the said B.R. Thompson, as administrator with the Will annexed of the estate of said T.S.O. McDowell, deceased, duly filed his petition herein for a sale of the real estate of said T.S.O. McDowell, deceased, for the payment of the debts of said decedent on the first day of May, A.D. 1915, being at least ten days before the first day of the present term of said Circuit Court that, thereafter and on the same first day of May, A.D. 1915, a summons, in due form of law was issued in said cause and directed to the Sheriff of said Livingston County, to serve upon the defendants hereinafter named, which said summons was, thereafter and on, to-wit:- the 11th day of May, A.D. 1915, duly filed in the office of the clerk of said Circuit Court with the return thereon by the said Sheriff showing that said summons had been duly served upon the defendant Thomas Scott McDowell at least ten days before the first day of said May Term, A.D. 1915, of said Circuit Court; that thereafter, and on, to-wit:- the 24th day of June, A.D. 1915, the said defendants, namely: Rose B. McDowell, Rose B. McDowell, as guardian of the estate and person of said Thomas Scott McDowell, a minor, Rose Lenore Wilcox, J.T. Wilcox, C.F. Sims, and Frank Jody, filed their written entry of appearance herein, in and by which said entry of appearance they severally each for himself or herself, waived the issuing and also the service of summons in said cause and entered a general appearance as a defendant herein and consented that the same proceedings may or might be had, taken and done in said cause at the said May Term, A.D. 1915, of said court, or at any subsequent term thereof to the same extent and with like effect as if they had been duly served with summons in said cause ten days or more, before the first day of said May Term, A.D. 1915, of said court.

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And it further appearing to the court here that the said defendant Thomas Scott McDowell is a minor under the age of 21 years and that a guardian ad litem should be appointed in this cause for him, it is therefore ordered, adjudged and decreed that Canale & Kerr, attorneys at law of this bar, be, and they are, hereby appointed guardians ad litem for said minor defendant Thomas Scott McDowell.

And it further appearing to the court here that the said defendant Thomas Scott McDowell, by his said guardians ad litem, filed his answer herein on this 24th day of June A.D. 1915, in and by which said answer the allegations in said petition were neither admitted, nor denied, but the rights of said minor defendant were reserved by requiring proof.

And it further appearing to the court here that the court has jurisdiction of the subject matter and of the parties complainant and defendant, and of each and every of them, and that the said defendants, namely:- Rose B. McDowell, Rose B. McDowell, as guardian of the estate and person of Thomas Scott McDowell, a minor, Rose Lenore Wilcox & J.T. Wilcox, C.F. Sims and Frank Jody, have failed to appear or make answer herein and that said defendants, and each and every of them, having been, upon motion of the said petitioner, ruled by the Court to come into court here and plead, answer or demur, to the said petition, and each and every of them having failed to comply with the said rule and being now each three times audibly and solemnly called to come into court and plead herein, come not, nor anyone for them, or either of them, but each and every of said defendants makes default, it is thereupon, upon motion of said petitioner, by his said solicitors ordered, adjudged and decreed, by the Court here, that said defendants, and each and every of them, be and they are, in default and that as to each and every of them, the said petitioner be



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taken and is taken, as and for confessed.

And it appearing to the court that the said petitioner has filed his replication to the answer of said minor defendant and that said cause is a t issue, it is therefore, ordered that said cause be and it is, hereby referred to the master in chancery of this Court to take and hear the evidence and report the same, together with his conclusions thereon.

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And now again, on this 2nd day of July, A.D. 1915, comes the said petitioner, by his said solicitors, and the said minor defendant, by his guardians ad litem, and comes also the said master in chancery and files his report, and this cause now coming on to be heard, in open Court, upon the report of the said master in chancery, and upon the evidence heard and taken by him and also upon the evidence heard here now in open court, and it appearing to the court, from the said report and the said evidence, that the master has, in all things, complied with the orders of this court and with the law in this case; that the allegations in said bill contained are true; that the said T.S.O. McDowell, died testate at his home in Fairbury, in said Livingston County, on October 21, 1911; that the said petitioner B.R. Thompson, at that time, was the duly appointed conservator of his estate and on November 18th, A.D. 1911, was duly appointed by the county court of said Livingston County, as administrator with the will annexed of the estate of said T.S.O. McDowell, deceased and duly qualified and is now the duly qualified and acting administrator with the Will annexed of said estate that the inventory and appraisement bill in said estate have been filed by said administrator in the office of the Clerk of the County Court of said Livingston County; that said petitioner has rendered to this Court a just and true account of the personal estate and debts of the said deceased and of the condition of said estate and that the personal estate of said deceased, including the returns from certain lands sold in Livingston County, certain lands sold in the State of Nebraska and certain other lands sold in the State of New Mexico, amounting in all to \$71,500, is insufficient to pay the debts of the said T.S.O. McDowell, deceased; that the amount of deficiency aforesaid, including necessary costs expenses and fees of administration, and not including a certain claim of \$5752.18, which is disputed and objected to by the said administrator, amounts to approximately \$21,000, of which \$19,112.50 is represented by claims allowed against said estate and remaining unpaid; that all personal property of said estate and all the proceeds of real estate, except the balance of \$1336.56 as shown by the said report of the said administrator, has been applied upon the payment of the said debts, claims and costs of administration; that the said T.S.O. McDowell, died seized in fee and possessed of the real estate described in said petition as follows:- the East 18 feet of the W  $\frac{1}{2}$  of Lot 7 in Block 24; Lots 11, 12, 13 and 14 in Block 25; Lot 1 in Block 18, and Lots 13, 14 and the East 43 feet of Lot 12, in Block 6, all in the City of Fairbury, in said Livingston and State of Illinois, all of which said property is free and clear from any estate of dower in and to the widow of said T.S.O. McDowell, deceased; that said T.S.O. McDowell left him surviving his widow and the said defendant Rose B. McDowell, who is also the duly appointed, qualified and acting guardian of the said Thomas Scott McDowell, a minor under appointment by the County Court of said Livingston County, and his children, namely:- the defendants Rose Lenore Wilcox (intermarried with the defendant J.T. Wilcox), and Thomas Scott McDowell, as his sole and only heirs at law, and that, in and by the will of said T.S.O. McDowell, which was duly probated in the said County Court of said Livingston County, the said Rose B. McDowell, Rose Lenore Wilcox, and Thomas Scott McDowell are the sole and only legatees and devisees, each being entitled to a full undivided one-third part of the estate of said T.S.O. McDowell, deceased.

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The Court further finds, from the said report and the said evidence, that said East 18 feet of the W  $\frac{1}{2}$  of Lot 7 in Block 24, aforesaid, is a business property and is improved with a building containing one story and a basement; that said basement is occupied

LIVINGSTON COUNTY ABSTRACT COMPANY



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by the defendant Frank Jody, under a tenancy from month to month from said legatees and devisees; that the remainder of said building is occupied by the said defendant C.F. Sims, under a written lease from said legatees and devisees for a term of ten years, expiring 1923, which said lease is subject to termination by sale; that said leases were both made subsequent to the death of the said T.S.O. McDowell, and are subject to the right to sell said premises for the payment of the debts of said deceased; that it is necessary that a portion of the said real estate be sold to pay the debts against the said estate; that it is for the best interest of said estate that the premises, namely, the East 18 feet of the W  $\frac{1}{2}$  of Lot 7 in Block 24 aforesaid, should be sold and that this said cause should be continued as to the remainder of said above described real estate until the next term of this Court, pending the attempt, by the petitioner and the said legatees and devisees, to pay, in some other manner, such of said debts and costs of administration as are not paid by the proceeds of the sale and that the said East 18 feet of the W  $\frac{1}{2}$  of Lot 7 in Block 24 aforesaid, can, and may be, sold without manifest prejudice to the said legatees and devisees.

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It is therefore, considered, ordered, adjudged and decreed by the Court here, that there is a deficiency of the personal property of said estate and all of the proceeds received from the sale of any real estate of said deceased to pay the debts and claims, beside interest, costs and expenses of administration, filed and allowed against said estate and that said petitioner proceed according to law, to advertise and make sale of the said East 18 feet of the W  $\frac{1}{2}$  of Lot 7 in Block 24 in the City of Fairbury, Livingston Co., Ill. to pay and apply upon the debts now due from said estate and the costs of administration now due and to accrue; that the said administrator make such sale at public vendue, at the North front door of the Court House, in Pontiac, in said Livingston County, and that he previously give notice of such sale, of the time, place and terms of holding said sale, by putting up notices thereof in at least four of the most public places in said Livingston County, and also by causing a similar notice thereof to be published for four successive weeks, prior to the date of the said sale, in some newspaper, published in said Livingston County, in which said notices the said real estate shall be described with common certainty, and that the said administrator shall have power to adjourn such sale from time to time as the best interests of the estate may, in his judgment, appear to require, and that in case of such adjourned sale he give notice as required by law; that said sale be made for cash 10% of which shall be paid upon the day of the sale and the balance upon the approval of said sale by the court, and that said administrator shall report the said sale to this court, and upon confirmation of such report shall make, execute and deliver to the purchaser or purchasers, a deed of conveyance of the land sold.

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It is further ordered, adjudged and decreed, by the Court here, that the said administrator shall file his bond herein in the sum of \$10,000 which said bond is here now presented and sureties thereon is approved and is further ordered and decreed that the said cause as to the other real estate, in said petition mentioned, namely:- Lots 11, 12, 13 and 14 in Block 25; Lot 1 in Block 18, and Lots 13 and 14 and the East 43 feet of Lot 12 in Block 6 in the said City of Fairbury, be continued to the next term of this court.

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Supplemental Petition, filed December 23, 1916.

B.R. Thompson, as Administrator with Will annexed of the estate of T.S.O. McDowell, deceased, subscribed and sworn to and filed December 23, 1916, represents that he filed his original petition herein on May 1, 1915, for leave to sell the real estate in the State of Illinois, of which the said deceased died seized



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which said real estate was in said petition particularly described; that on June 24, 1915, a decree was entered therein directing undersigned to sell a part of said real estate, to-wit:- the East 18 feet of the W  $\frac{1}{2}$  of Lot 7 in Block 24 in the City of Fairbury, in said Livingston County, and that as to the remaining of said real estate, namely Lots 11, 12, 13 and 14 in Block 25; Lot 1 in Block 18 and Lots 13 and 14 and the East 43 feet of Lot 12 in Block 6 in said City of Fairbury, the said cause be continued pending the attempt by the petitioner and the legatees and devisees under said will to raise sufficient money to pay the remaining debts, claims and costs of administration in said estate; that, thereafter, and on October 4, 1915, petitioner reported his sale of said East 18 feet of the W  $\frac{1}{2}$  of Lot 7, aforesaid, for the sum of \$5300, which said sale was duly approved on October 7, 1915.

Further represents that, as shown by his report, filed herein on May 1, 1915, there remained on hand the sum of \$1336.56, that since said time he has collected the following:

From sale of said East 18 feet of the W $\frac{1}{2}$ of said Lot 7, .....	\$5300.00.
From Addie Dixon Hinshaw, balance of her notes.....	\$1584.12,
From Lottie Brown, balance of her note.....	30.00
Total amount received . . . . .	\$6914.12

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that the whole of said sum so received has been expended by undersigned in paying the court costs in said proceedings, the costs of the abstract of title and the revenue stamps on the deed in said cause and in payments upon the claims of the First National Bank of Peoria, the Blue Rapids New Mexico Land Company, and Lutie McDowell and the said costs of administration; that he now has on hand no funds and that there is no other personal estate from which receipts can, or will, be derived; that the said claim of Lutie McDowell, filed in the sum of \$5752.18, was compromised with said claimant, by undersigned, on January 17, 1916, for the sum of \$2500, which said sum was justly owing to said claimant; that all the debts and claims against said estate have been paid, except said three claims above mentioned, and that there is now due and owing to said claimants approximately as follows:

To the First National Bank of Peoria, Illinois.....	\$12300.00
To the Blue Rapids New Mexico Land Company .....	3050.00
To Lutie McDowell .....	1250.00
Making a total of unpaid claims.....	\$16600.00

that the unpaid costs of administration are estimated at the sum of \$2400 and that after all personal property and the proceeds of the real estate heretofore sold have been applied on said debts, there is a deficiency of approximately \$19,000.

Petitioner further represents that he and the said legatees and devisees under said will have been unable to raise funds to pay said deficiency in any other way and that it is necessary that sufficient of said remaining real estate be sold to pay the same.

Prays for leave to proceed under said bill, so filed as aforesaid, on May 1st, 1915, to sell the remainder of said real estate therein described, or so much thereof as may be necessary to pay the remainder of said debts and costs of administration, and that the Court will, by order, determine what, if any, notice of the intention so to proceed under said original bill, shall be given to the said legatees and devisees under said will, which said last named persons were, and are, parties defendant to said petition.

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Affidavit of B.R. Thompson, as to Notices sent to Rose B. McDowell, individually and as guardian of Thomas Scott McDowell, minor, Lenore M. Wilcox, J.T. Wilcox and Thomas Scott McDowell, as to Petition for leave to sell real estate, filed January 29, 1917.

B.R. Thompson, being first duly sworn on January 17, 1917, on his deposes and says that he did, on the 17th day of January, A.D. 1917, send, to each of the persons named in the address of the above notice, a copy of said notice that each of said notices was sent, postage prepaid, to the postoffice address of said parties at Fairbury, Ill. and one of the same was sent to Thomas

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Scott McDowell, at Urbana, Illinois, in care of the University of Illinois.

A copy of the notice above referred to is attached to the above affidavit, addressed to Rose B. McDowell, individually and as guardian of Thomas Scott McDowell, a minor, Lenore M. Wilcox, J.T. Wilcox, and Thomas Scott McDowell, notifying them that the said Administrator of the estate of T.S.O. McDowell, deceased, will appear before the Circuit Court of said Livingston County, on the 29th day of January, A.D. 1917, at the hour of 9 o'clock A.M. or as soon thereafter as he can be heard, and ask leave and authority, under his petition heretofore and at the commencement of said suit filed in said court and any amendments thereof heretofore, or hereafter, made, to sell the whole, or a part, of the following described real estate for the purpose of paying the remaining debts against said estate, namely: Lots 11, 12, 13, and 14, in Block 25, Lot 1, in Block 18, and Lots 13 and 14 and the East 43 feet of Lot 12, in Block 6, in the City of Fairbury, in said Livingston County.

Further notifying them that this notice is given in accordance with the order of the said circuit court entered at the October Term, A.D. 1916, of said court, on, to-wit:- December 23, 1916, upon consideration of the petition filed by the undersigned in said court, in which the present condition of said estate as to debts and assets was set forth.

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Answer of Thomas Scott McDowell, a minor, by Neil Kerr, his Guardian ad litem, filed January 29, 1917.

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Decree, signed by G.W. Patton, Judge, filed January 29, 1917.

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And now, on this 23rd day of December, A.D. 1916, the same being one of the regular days of the October Term, A.D. 1916, of said Circuit Court, and said court being duly convened and in session for the transaction of business, comes the said petitioner, by his said solicitors McIlhuff & Thompson, and presents his supplemental petition praying for leave and authority to proceed under his petition filed in this cause on May 1st, 1915, to sell the remainder of the real estate in said petition described, or so much thereof, as may be necessary to pay the remainder of the debts and costs of administration in said estate.

And it further appearing to the court here, from said supplemental petition and from the orders and decrees heretofore entered in said cause that said petition as to said property, namely: Lots 11, 12, 13 and 14 in Block 25 in Fairbury, also Lot 1, in Block 18, and Lots 13, 14 and the East 43 feet of Lot 12, in Block 6, in the City of Fairbury, in said Livingston Co., was duly and legally continued to this time and that said cause is still pending in this court and that notice of further hearing in said cause should be given to the parties in interest, it is, therefore, ORDERED, ADJUDGED AND DECREED, that said petitioner give to each of the parties in interest at least ten days notice, by mail, of the time when he would ask a further order of sale under said petitions.

And now, on this 29th day of January, A.D. 1917, the same being one of the regular days of the January Term, A.D. 1917, of said Circuit Court, and the said court being duly convened and in session for the transaction of business, again comes the said petitioner and asks for leave to sell the real estate hereinafter described under said original petition and said supplemental and it appearing to the court here, from the evidence here now presented, that the said petitioner did, on the 17th day of January, A.D. 1917, send, by mail, postage prepaid, to each of the said Rose B. McDowell, individually and as guardian of Thomas Scott McDowell, a minor, Lenore M. Wilcox, J.T. Wilcox, and Thomas Scott McDowell, at their respective post-

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office addresses, a notice, which, after the caption, is in words and figures as follows: "To Rose B. McDowell, individually and as guardian of Thomas Scott McDowell, a minor, Lenore M. Wilcox, J.T. Wilcox and Thomas Scott McDowell, etc. (then follows the notice which is abstracted at # 108 hereon), that the court has jurisdiction of the subject matter and of the parties, and each are very of them to this suit;

And it further appearing to the court that none of the said defendants have appeared in response to said notice and that no answer, or other pleading is on file by them, it is ordered that further default be entered as to each and every of said defendants, except the said Thomas Scott McDowell, and as to them the said petitions be taken as and for confessed.

IT IS FURTHER ORDERED, that Neil Kerr, a member of this bar and successor to the firm of Carlyle & Kerr, heretofore appointed guardians ad litem for the said defendant Thomas Scott McDowell, in said cause, be and he is, hereby continued as guardian ad litem for the said Thomas Scott McDowell.

And it further appearing to the court that the said Thomas Scott McDowell, by said Neil Kerr his said guardian ad litem, has filed his answer herein, and that petitioner has filed his re-  
plication thereto it is ordered that the said cause be, and it is, at issue.

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And it further appearing to the court, by virtue of the sale, under the former orders of this court in this cause, the said petitioner received the sum of \$5300 and that in addition thereto he has, since his report filed herein on May 1st, 1915, received, from certain personal property, the sum of \$1614.12, making a total of \$6914.12, received by him since said last report and that all of said sum, including the balance, \$1336.56 shown to be the sum in the hands of said petitioner at the time of filing said last report, has been applied by him on the claims, expenses and costs of administration in such estate, and that, at the present time, the said administrator has no funds in his hands and that all the personal property in said estate has been converted into money, except some notes, which are worthless and non-collectible; that since the filing of his original petition herein the claim of Lutie McDowell, mentioned therein, in the sum of \$5752.18 and interest, has been adjusted by the said administrator and the said claim has been, and it is, hereby allowed in the sum of \$2500, and disallowed as to the remainder thereof; that the claims on file and unpaid against said estate, and the costs of administration, amount approximately to \$19,000, that there is a deficiency in the sum of at least \$19,000, of the personal property and real estate heretofore sold to pay the debts, claims and costs of administration of said estate and that further real estate should be sold for that purpose.

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It is, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED, by the court here, that there is a deficiency of personal property and the proceeds of real estate heretofore sold to pay the debts, claims and costs of administration, filed and allowed against said estate, and that said petitioner proceed, according to law, to advertise and make sale of a part of said real estate, namely: the North 25 feet of a part of Lots 13 and 14 in Block 25 in the original Town, now City, of Faibury, in said Livingston County, which part is described as follows: Commencing at the Northeast corner of said Lot 14; thence South 112 feet; thence West 88 feet; thence north 28 feet; thence East 8 feet; thence North 84 feet; feet (being 24½ feet north and south and 80 feet East and West) of said part, lying immediately south of said North 25 feet; that he also sell the south 28 feet (being 28 feet North and South and 88 feet East and West) of said premises above described as a part of said Lots 13 and 14; that he also sell a part of said Lots 11, 12, and 13 described as follows:--Commencing 45 feet east of the Northwest corner of said Lot 11; thence South 93 feet, thence East 64 feet; thence north 93 feet; thence west 64 feet to the point of beginning; that he also sell the strip of ground 45 feet east and west and 93 feet north and south, lying immediately west of



of said last described premises and being a part of said Lot 11 and that he also sell said Lots 13 and 14, and the east 43 feet of Lot 12, in Block 6, in said City of Fairbury, to pay and apply upon the debts now due from said estate and costs of administration now due and to accrue; that said administrator make such sale at public vendue, at the north door of the Court House in the City of Pontiac, in said Livingston County, and that he previously give notice of such sale of the time, place and terms of holding such sale, by putting up notices thereof, in at least four of the most public places in said Livingston County, and also by causing a similar notice thereof to be published for four successive weeks prior to the day of said sale in some newspaper, published in said Livingston County, in which said notices said real estate shall be described with common certainty and that said administrator shall have power to adjourn said sale, or the sale of any piece, or parcel or of the whole of said premises, from time to time as the best interests of the estate may, in his judgment, appear to require, and that, in case of such adjourned sale, he give notice, as required by law; that said sale be made for cash 10% of which shall be paid on the day of sale and the balance upon the approval of said sale by the court, and that said administrator shall report the said sale, or sales, to this court, and, upon confirmation of such report, shall make, execute and deliver to the purchaser, or purchasers, a deed of conveyance of the land sold.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court here, that said administrator shall file his bond, in the sum of \$20,000, with sureties, to be approved by the Court, on or before the day of said sale and it is further ordered and decreed that the said cause as to the other real estate in said petition mentioned be continued to the next term of this court, with power and authority to the said administrator to then, or thereafter at any succeeding term, to appear and ask leave to sell the remainder of said real estate in said cause.

State of Illinois )  
;ss.  
Livingston County )

We hereby certify that we have examined the records of said County and have noted on the foregoing Abstract of Title all Conveyances, Mortgages, Judgments, Levies, Mechanics' Liens or Tax Sales which appear thereon which in any way affect the title to said premises from the date of the entry to the present time.

This examination consists of one-hundred and fourteen numbered from one to one-hundred and fourteen both inclusive.

The instruments mentioned herein are regular in form, signature and acknowledgment and recite a valuable consideration unless otherwise specified.

Taxes for the year 1916 are a lien by operation of law.  
Dated at Pontiac, Illinois, this 30th. day of January, A.D. 1917, at 5 o'clock P.M.

LIVINGSTON COUNTY ABSTRACT COMPANY.

By E. Hoobler President.

Abstracter.



38931

ABSTRACT OF TITLE

TO

A part of Lots Thirteen (13) and Fourteen (14) in Block Twenty-five (25) in the Original Town, now City, of Fairbury and described as follows, to-wit: Commencing at the North East corner of said Lot Fourteen (14), thence West Eighty(80) feet, thence South Twenty-five (25) feet, thence East Eighty (80) feet, thence North Twenty-five (25) feet to the place of beginning.

Also, beginning at a point Eighty (80) feet West of the North East corner of Lot Fourteen (14) in Block Twenty-five (25) and running thence South Eighty (80) feet, thence West Eight (8) feet, thence South Thirty (30) Feet, thence West Three (3) feet, thence North One Hundred and Ten (110) feet and thence East Eleven (11) feet to the place of beginning.

IN LIVINGSTON COUNTY, ILLINOIS.

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Last examination January 30, 1917 at 5 o'clock P. M.

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IN THE CIRCUIT COURT OF LIVINGSTON COUNTY, ILLINOIS.

1

In the matter  
of the estate  
of  
T. S. O. McDowell, deceased.

In Chancery #4693.  
Final Report of B. R. Thompson  
as administrator with will  
annexed of the estate of T.S.  
O. McDowell, deceased, filed  
June 16, 1919.

He reports that all debts and claims against said estate have been paid in full as have all costs and other charges and shows that there is nothing for distribution. Therefore prays that this report may be approved and the estate declared closed.

APPEARANCE:

Written Entry of Appearance of Rose B. McDowell, Rose Lenora Wilcox and Thomas Scott McDowell to the final report of B. R. Thompson, administrator with Will annexed of the estate of T.S.O. McDowell, deceased, filed June 16, 1919.

They being all of full age, certify that they have examined a copy of the final report of the said administrator in said estate and they and each of them do hereby waive all service of notice required by law in the matter of the hearing on said final report and the application of said administrator for his discharge

(1)



and do hereby consent that said report shall be approved and said administrator discharged and the estate declared closed and to that end they severally enter full general appearance therein and consent that the same orders and decrees may be entered in said cause upon the presentation of this entry of appearance to the same extent and with like effect as if they, and each of them, had been duly served with notice of the hearing on said report 30 days and more before the filing of this entry of appearance in said court.

ORDER:

Order approving final report of B. R. Thompson, administrator with will annexed of the estate of T.S.O. McDowell, deceased, filed June 16, 1919 signed by G. W. Patton, Judge.

And now on this 16th day of June A. D. 1919 same being one of the regular days of said June Term A. D. 1919 of the said Court and the Court being duly and regularly convened and in session for the transaction of business comes the said Administrator and presents his final report herein.

And this cause now coming on to be heard on said report and it appearing to the court that all the debts and claims existing against the said estate have been fully paid and discharged by the said Administrator; that Rose B. McDowell, Rose Lenora Wilcox and Thomas Scott McDowell, being the sole and only heirs at law and devisees and legatees interested in said estate have filed the written entry of appearance herein, wherein and whereby they have waived all service of notice required by law, of the day set for hearing on said report and consent to the approval of said report.

It is therefore considered and ordered and adjudged and decreed by the court that the said Administrator and his bond as such be, and they are hereby discharged and the said estate, be, and it is hereby declared closed.

REPORT:

Report of Sale of real estate, filed March 14, 1917.

B. R. Thompson as administrator with the will annexed of the estate of T. S. O. McDowell, deceased, would hereby report that by virtue of the decree heretofore entered in this court in the above entitled cause, he did on the 10th day of March, A. D. 1917, between the hours of 10 o'clock in the forenoon and 5 o'clock in the afternoon of said day, to wit: at the hour of 2 o'clock in the afternoon, at the north front door of the court house in Pontiac, in said Livingston County, in the state of Illinois, offer for sale at public vendue the real estate mentioned below and described in said decree.

That John P. Cook bid the sum of \$3000.00 for a part of said lots 13 and 14 in said block 25 and described as commencing at the northeast corner of said lot 14, thence west 80 feet, thence south 25 feet, thence east 80 feet, thence north 25 feet, to the place of beginning and being the north 25 feet of a part of said lots 13 and 14, which part is described as follows: commencing at the northeast corner of said lot 14 thence south 112 feet, thence west 88 feet, thence north 28 feet, thence east 8 feet, thence north 84 feet, thence east to the place of beginning and the said John P. Cook being the highest and best bidder for said described real estate, the same was struck off to him at the sum aforesaid (and also other property sold to other persons).

Further reports that previous to making said sale, he caused a notice of which the annexed is a true copy, to be published for four successive weeks in the Pontiac Weekly Leader, a weekly newspaper published at Pontiac in said Livingston county where said real estate is situate, for more than six months prior to the



date of the first publication of said notice and also posted up similar notices in four of the most public places in said county on the 8th day of February, A. D. 1917, at the following places to-wit: The bulletin board at the north front door of the court house in said Pontiac, in the Fairbury Bank, the Bank of G. Y. McDowell & Co., and in the post office all in the City of Fairbury in said Livingston County.

Further reports that said respective bidders paid him on the day of said sale, the sum of 10% of their respective bids, and that they are severally ready and willing to pay the balance of their purchase price on the approval of sale and the execution and delivery of proper deeds of conveyance.

CERTIFICATE:

Publisher's Certificate of Publication of Notice of Sale attached to foregoing report of sale.

The Pontiac Leader Publishing Company, Publisher of the Pontiac Weekly Leader being a weekly secular newspaper of general circulation in said County and printed and regularly published in Pontiac, Illinois, for more than six months prior to the date of the first publication of the notice hereto attached, hereby certifies on March 14, 1917, by L. V. Pearre, its President, that the said attached notice relating to the matter of Estate T.S.O. McDowell, Administrator's sale of real Estate, has been published in said newspaper, in every copy or impression thereof, for 4 weeks successively, of the issues commencing February 8, 1917 and ending March 1, 1917 (which are the dates of the first and last papers containing the same).

Attached to the foregoing Certificate is a certified copy of Resolution of The Board of Directors of The Pontiac Leader Publishing Company, a corporation organized and existing under and pursuant to the laws of the State of Illinois, adopted January 22, 1913 authorizing the President, Vice President and Secretary to sign certificates of publication of legal notice on behalf of said corporation.

A copy of the notice above referred to is attached to the above certificate giving the time, place and terms of such sale, together with a description of the premises to be sold.

DECREE:

Decree confirming sale of real estate, signed G. W. Patton, Judge, filed March 14, 1917.

Now on this 14th day of March, A. D. 1917, the same being one of the regular days of the said January Term, A. D. 1917, of said Circuit Court and the said court being duly convened and in session for the transaction of business, comes the said B. R. Thompson as administrator with the will annexed of the estate of T.S.O. McDowell deceased and presents his report of sale of real estate under the decree rendered at said January term, A. D. 1917, of said court in the above entitled cause and comes also the said Thomas Scott McDowell a minor by Neil Kerr, his guardian ad litem heretofore appointed by the order of this court, no one appearing for the other defendants or any or either of them and this cause coming on to be heard on this said report of sale and it appearing that no objections or exceptions have been filed thereto and being examined and found correct, and that said administrator has complied with the orders of this court and with the statutes, in advertising and selling said premises, it is hereby ordered, adjudged and decreed by the court here that the report of sale is hereby approved and ordered recorded; that the said sales and each of them be and they are hereby confirmed and the said administrator be and he is hereby ordered to make administrator's deeds to each of said respective purchasers for the premises purchased by them respectively as shown in said report of sale.

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LIVINGSTON COUNTY ABSTRACT COMPANY



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2

B. R. Thompson, as Administrator with will annexed of the estate of T.S.O. McDowell deceased,  
to  
John P. Cook.

Administrator's Deed.  
Dated March 15, 1917.  
Recorded March 28, 1917 in  
Book 164 page 152.  
Consideration \$3000.00.

Witnesseth, That Whereas, the Circuit Court of Livingston County, in the State of Illinois, at a regular term thereof, on the 29th day of January A. D. 1917, in a certain cause brought under the statute, wherein the said B. R. Thompson as Administrator with the will annexed of the Estate of the said T. S. O. McDowell, deceased, plaintiff, and Rose B. McDowell, individually and as Guardian of Thomas Scott McDowell, a minor, Lenore M. Wilcox, J. T. Wilcox and said Thomas Scott McDowell were defendants did by order duly entered, empower and direct the said B. R. Thompson as such Administrator to sell at public vendue, the real estate of the said T. S. O. McDowell deceased, hereinafter described, for the purpose of paying the just claims against his estate;

And Whereas, in pursuance of the said decretal order of the said Circuit Court aforesaid, the said party of the first part as such Administrator as aforesaid, having given due public notice of the intended sale, by causing a notice of the terms, time, and place of such sale together with a description of the real estate to be sold, to be previously posted for four weeks, at four of the most public places in the County where such real estate was sold, and also to be published for four successive weeks prior to said sale, in the Pontiac Weekly Leader a newspaper published in said Livingston the County where such real estate was sold, agreeably to the order and directions of the said Circuit Court, and in accordance with the statute in such cases made and provided, did, on the 10th day of March A. D. 1917, pursuant to the order and notice aforesaid, sell at public vendue the real estate of the said T. S. O. McDowell, deceased, hereinafter described, to John P. Cook the said party of the second part for the sum of \$3000.00 and he being the highest bidder therefor; The said premises were struck off to him.

And Whereas, the said party of the first part made and filed in the office of the Clerk of said Circuit Court, a complete report of his proceedings and sale under said order, and the said Circuit Court, having carefully examined the same on the 14th day of March A. D. 1917, finding the same correct did approve and confirm the same, and order the said B. R. Thompson as such Administrator, to execute, acknowledge and deliver a deed of said real estate to said party of the second part, on his complying with the terms of said sale.

And Whereas, the said party of the second part has in all things complied with the terms of said sale on his part to be performed; Now, Therefore; This Indenture Witnesseth, that the said party of the first part, in consideration of the premises and the sum of \$3000.00 to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged has granted, bargained, and sold, and by these presents does grant, bargain and sell, unto the said party of the second part his heirs and assigns forever, all the following described lots, pieces, or parcels of land, situated in the County of Livingston and State of Illinois and known and described as follows, to-wit: A part of Lots 13 and 14 in Block 25 in the Original Town, now City of Fairbury, and described as commencing at the North East Corner of said Lot 14, Thence west 80 feet, Thence South 25 feet, Thence, East 80 feet, thence north Twenty-five feet, to the place of beginning.

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Rose B. McDowell, a widow,  
T. S. McDowell, not married,  
Lenore McDowell Wilcox &  
J. T. Wilcox, her husband  
to  
John P. Cook.

Warranty Deed.  
Dated April 28, 1926.  
Recorded June 26, 1926 in  
Book 187 page 252.  
Consideration \$1.00.  
Conveys the following, to-wit:  
Beginning at a point 80 feet  
West of the North East corner of Lot 14 in Block 25 and running  
thence South 80 feet, thence West 8 feet, thence South 30 feet,  
thence West 3 feet, thence North 110 feet and thence East 11  
feet to the place of beginning, situated in the City of Fairbury.

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IN THE COUNTY COURT OF LIVINGSTON COUNTY, ILLINOIS.

6

In the matter  
of the estate  
of  
John P. Cook, deceased.)

In Probate #11309.  
Petition of Don Carlos Cook  
and Marguerite L. Cook, sub-  
scribed and sworn to and fil-  
ed May 25, 1934 represents  
that John P. Cook departed this life at the City of Fairbury on  
or about the 21st day of May A. D. 1934 leaving no last will and  
testament, as far as your petitioner knows or believes.

Further shows that the said John P. Cook died, seized and  
possessed of Real Estate and Personal Estate consisting chiefly  
of family home, and business premises, all of said personal estate  
being estimated to be worth about \$3000.00. That said deceased  
left surviving him no widow, Don Carlos Cook, Fern L. Thompson  
and Marguerite L. Cook, his children as heirs.

Petitioner, being a son of said deceased, prays that Letters  
of Administration be granted to Marguerite L. Cook.

ORDER:

Order Appointing Administrator, signed Ray Sesler, Judge,  
filed June 5, 1934.

Now on this 25th day of May, A. D. 1934, comes Don Carlos  
Cook and files his petition to said Court representing that on  
or about the 21st day of May, A. D. 1934, John P. Cook late of  
City of Fairbury, in the County of Livingston and State of Illinois  
died intestate, and praying that Letters of Administration issue  
to Marguerite L. Cook.

And now the Court having heard all the testimony adduced in  
open court, finds that said John P. Cook departed this life at  
City of Fairbury on or about the 21st day of May, A. D. 1934,  
intestate, that at the time of his death he was a resident of  
Livingston County, in the State of Illinois, and further finds  
and declares the fact to be that said John P. Cook, deceased, left  
surviving him no widow, and the following named persons as his  
only heirs at law, to-wit: Don Carlos Cook, Fern L. Thompson and  
Marguerite L. Cook.

And it appearing to the Court that the estate of said John  
P. Cook, deceased, should be administered upon, it is therefore  
ordered that Letters of Administration issue to Marguerite L.  
Cook, providing the said Administratrix first file in this Court  
her bond as such Administratrix, in due form as required by law,  
in the penal sum of \$6000.00, with good and sufficient security  
to be approved by the Court, and that she take the oath as requir-  
ed by law.

And now on June 5, 1934 pursuant to the last aforesaid order,  
the said Marguerite L. Cook comes and presents for the approval  
and acceptance of the Court her bond in the sum of \$6000.00, and  
said bond appearing in form as required by law, and the security  
being deemed good and sufficient, it is thereupon ordered that the  
said bond be and is hereby approved.

(5)



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Rose B. McDowell, a widow,  
T. S. McDowell, not married,  
Lenore McDowell Wilcox &  
J. T. Wilcox, her husband  
to  
John P. Cook.

Warranty Deed.  
Dated April 28, 1926.  
Recorded June 26, 1926 in  
Book 187 page 252.  
Consideration \$1.00.  
Conveys the following, to-wit:  
Beginning at a point 80 feet  
West of the North East corner of Lot 14 in Block 25 and running  
thence South 80 feet, thence West 8 feet, thence South 30 feet,  
thence West 3 feet, thence North 110 feet and thence East 11  
feet to the place of beginning, situated in the City of Fairbury.

- - - -

IN THE COUNTY COURT OF LIVINGSTON COUNTY, ILLINOIS.

6

In the matter  
of the estate  
of  
John P. Cook, deceased.)

In Probate #11309.  
Petition of Don Carlos Cook  
and Marguerite L. Cook, sub-  
scribed and sworn to and fil-  
ed May 25, 1934 represents  
that John P. Cook departed this life at the City of Fairbury on  
or about the 21st day of May A. D. 1934 leaving no last will and  
testament, as far as your petitioner knows or believes.

Further shows that the said John P. Cook died, seized and  
possessed of Real Estate and Personal Estate consisting chiefly  
of family home, and business premises, all of said personal estate  
being estimated to be worth about \$3000.00. That said deceased  
left surviving him no widow, Don Carlos Cook, Fern L. Thompson  
and Marguerite L. Cook, his children as heirs.

Petitioner, being a son of said deceased, prays that Letters  
of Administration be granted to Marguerite L. Cook.

ORDER:

Order Appointing Administrator, signed Ray Sesler, Judge,  
filed June 5, 1934.

Now on this 25th day of May, A. D. 1934, comes Don Carlos  
Cook and files his petition to said Court representing that on  
or about the 21st day of May, A. D. 1934, John P. Cook late of  
City of Fairbury, in the County of Livingston and State of Illinois  
died intestate, and praying that Letters of Administration issue  
to Marguerite L. Cook.

And now the Court having heard all the testimony adduced in  
open court, finds that said John P. Cook departed this life at  
City of Fairbury on or about the 21st day of May, A. D. 1934,  
intestate, that at the time of his death he was a resident of  
Livingston County, in the State of Illinois, and further finds  
and declares the fact to be that said John P. Cook, deceased, left  
surviving him no widow, and the following named persons as his  
only heirs at law, to-wit: Don Carlos Cook, Fern L. Thompson and  
Marguerite L. Cook.

And it appearing to the Court that the estate of said John  
P. Cook, deceased, should be administered upon, it is therefore  
ordered that Letters of Administration issue to Marguerite L.  
Cook, providing the said Administratrix first file in this Court  
her bond as such Administratrix, in due form as required by law,  
in the penal sum of \$6000.00, with good and sufficient security  
to be approved by the Court, and that she take the oath as requir-  
ed by law.

And now on June 5, 1934 pursuant to the last aforesaid order,  
the said Marguerite L. Cook comes and presents for the approval  
and acceptance of the Court her bond in the sum of \$6000.00, and  
said bond appearing in form as required by law, and the security  
being deemed good and sufficient, it is thereupon ordered that the  
said bond be and is hereby approved.

(5)

And it appearing to the Court that said Marguerite L. Cook has taken the oath as required by law, it is therefore ordered by the Court that the aforesaid Marguerite L. Cook be and is hereby appointed Administratrix of all and singular the personal estate, rights, credits and effects of John P. Cook deceased, and that the Clerk issue letters of Administration under his hand and the seal of this Court to said Marguerite L. Cook, as such Administratrix, and that he record the administration bond and oath and the said letters.

It is further ordered that the testimony taken in this cause be written up, certified and filed with the Clerk of this Court, the reasonable charges for same to be taxed against the estate of said deceased as costs.

OATH:

Oath of Marguerite L. Cook, Administratrix of the Estate of John P. Cook, deceased, subscribed and sworn to and filed June 5, 1934.

BOND:

Bond of Marguerite L. Cook, Administratrix of the Estate of John P. Cook, deceased, in the penal sum of \$6000.00 with sureties filed and approved June 5, 1934.

LETTERS:

Letters of Administration issued June 5, 1934 to Marguerite L. Cook, Administratrix of the estate of John P. Cook, deceased.

INVENTORY:

Inventory of the estate of John P. Cook, deceased, filed and approved April 26, 1935 mentions: A part of Lots 13 & 14 in Block 25 in the Original Town (now City) of Fairbury, described as commencing at the Northeast corner of said Lot 14, thence west 80 feet, thence south 25 feet, thence east 80 feet, thence north 25 feet, to the place of beginning; Also, Beginning at a point 80 feet west of the Northeast corner of Lot 14 in Block 25 and running thence south 80 feet, thence west 8 feet, thence south 30 feet, thence west 3 feet, thence north 110 feet, thence east to place of beginning, in the City of Fairbury; All in the City of Fairbury, in the County of Livingston and State of Illinois.

ADJUSTMENT DAY:

Affidavit of publication and posting of notices of day of adjudication of claims, filed July 6, 1934.

ADJUSTMENT DAY:

Affidavit of publication and posting of notices of day of adjudication of claims, filed August 3, 1934.

FINAL REPORT:

Final Report of The Account of Marguerite L. Cook, Administratrix of The Estate of John P. Cook, deceased, filed and approved August 7, 1935.

She reports that by virtue of the order heretofore entered. herein, authorizing her as Administratrix of the said estate of the said John P. Cook, deceased, to continue and carry on the business formerly operated during his lifetime by him, so long as the same was conducted with profit to the estate of the said decedent, that she has so proceeded during the year last past since her appointment as said Administratrix, and that this report is, in addition to that as Administratrix of said estate, a full



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complete, detailed and itemized account and report of her acts and doings in and about the carrying on of the said business by virtue of the said order and decree.

Further reports that the debts and claims against the said estate, have all been paid, and that all of the commitments of the operation of the said business have been paid and there are no obligations of any kind whatsoever against the said estate or business remaining unsatisfied, etc.

Moves the Court, that she may be allowed to make distribution in kind as above set forth, assigning Notes and unpaid accounts to the new business firm, and having made and taken receipts therefor, and presented to the Court, asks to be discharged.

APPEARANCE:

Written Entry of Appearance of Don Carlos Cook and Fern L. Thompson, attached to the foregoing Final Report.

They enter their several appearances in the matter of said Final Report, and waive all service of process and all further notice upon them and each of them, as provided by the statutes of the State of Illinois, to the same end and purposes as if they were present in person or had received due notice of the presentation of said Final Report, to the Court, and hereby consent to the approval of said report, the order for distribution in kind as in said report prayed, and the discharge of the said administratrix and the discharge of her bond, at any time the Court may see fit to consider and pass upon the same.

ORDER:

Probate Journal 45 page 359.

August 7, 1935

In the matter  
of the estate  
of

John P. Cook, deceased,  
Marguerite L. Cook, Administratrix.

Final account and report on  
file with vouchers. All per-  
sons interested enter their  
appearance in writing, waiv-  
ing notice of final settle-  
ment and consent to the ap-  
proval of the report and to the discharge of the Administratrix.

No objections. Report approved. Administratrix and bond discharged.  
Estate closed upon filing final receipts showing distribution made, etc.

FINAL ORDER:

Probate Journal 45 page 447

Wednesday, October 16, 1935.

In the matter  
of the estate  
of

John P. Cook, deceased,  
Marguerite L. Cook, Administratrix.

Now on this day final receipts  
on file. Administratrix and  
bond discharged. Estate  
closed.

7

Assignment.

Acknowledged May 26, 1934.  
Recorded June 1, 1934 in  
Miscellaneous Record 29  
page 208.

For value received, I hereby sell, assign, transfer and set over to Marguerite L. Cook, all my right, title and interest in and to my undivided 1/3 interest in the estate of John P. Cook, deceased.

Don C. Cook.

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8

The Books of the County Treasurer and Ex-Officio County Collector show 1940 taxes on the North 25 feet of the East 30 feet of Lot 13 and the North part of Lot 14 in Block 25, in Fairbury, assessed in the name of J. P. Cook Estate and which are in two installments of \$18.70 each.

Both installments are shown paid April 2, 1941 by the J. P. Cook Estate.

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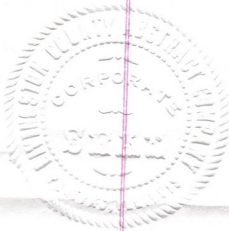
State of Illinois )  
Livingston County ) ss

We hereby certify that we have examined the records of said County and have noted on the foregoing Abstract of Title all Conveyances, Mortgages, Judgments, Leases, Mechanics' Liens or Tax Sales which appear thereon which in any way affect the title to said premises from January 30, 1917 at 5 o'clock P. M. to the present time.

This examination consists of eight pages numbered from one to eight, both inclusive.

The instruments mentioned herein are regular in form, signature and acknowledgment and recite a valuable consideration unless otherwise specified.

Dated at Pontiac, Illinois, this 19th day of June, A. D. 1941 at 5 o'clock P. M.



LIVINGSTON COUNTY ABSTRACT COMPANY  
By J. E. Whitman President  
Abstracter.



52160

State of Illinois )  
                              :ss  
Livingston County )

We hereby certify that we have examined the records of said County and have noted on the foregoing Abstract of Title all Conveyances, Mortgages, Judgments, Levies, Mechanics' Liens or Tax Sales which appear thereon which in any way affect the title to said premises from June 19, 1941 at 5 o'clock P. M. to the present time.

This examination consists of two entries, numbered one and two. The instruments mentioned herein are regular in form, signature and acknowledgment and recite a valuable consideration unless otherwise specified.

Taxes for the year 1950 are a lien by operation of law.  
Dated at Pontiac, Illinois, this 4th day of January A.D.  
1951 at 5 o'clock P. M.

LIVINGSTON COUNTY ABSTRACT COMPANY

*J. G. Whitson*

President.

ABSTRACT OF TITLE

TO

52380

A part of Lots Thirteen (13) and Fourteen (14) in Block Twenty-five (25) in the Original Town, now City of Fairbury and described as follows, to-wit: Commencing at the Northeast corner of said Lot Fourteen (14), thence West 80 feet, thence South 25 feet, thence East 80 feet, thence North 25 feet to the place of beginning,

Also, beginning at a point 80 feet West of the Northeast corner of Lot Fourteen (14) in Block Twenty-five (25) and running thence South 80 feet, thence West 8 feet, thence South 30 feet, thence West 3 feet, thence North 110 feet and thence East 11 feet to the place of beginning.

IN LIVINGSTON COUNTY, ILLINOIS..

- - - -

Last examination January 4, 1951 at 5 o'clock P.M.

- - - -

Fern L. Thompson, divorced  
and never remarried, &  
Marguerite L. Cook Keck,  
nee Marguerite L. Cook, a  
widow,

1

to  
Fairbury Federal Savings  
and Loan Association, a  
corporation.

Warranty Deed.

Dated February 14, 1951.

Recorded February 16, 1951 in  
Book 248 page 495.

Consideration \$10.00 etc.

Conveys a part of Lots 13 and  
14 in Block 25 in the Original  
Town, now City, of Fairbury  
and described as follows, to-  
wit: Commencing at the North-

east corner of said Lot 14, thence West 80 feet, thence South 25 feet, thence East 80 feet, thence North 25 feet to the place of beginning;

Also, beginning at a point 80 feet West of the Northeast corner of Lot 14 in Block 25 and running thence South 80 feet, thence West 8 feet, thence South 30 feet, thence West 3 feet, thence North 110 feet and thence East 11 feet to the place of beginning, said premises all being subject to driveway on West end thereof and to a lean-to garage attached to West end of premises.

2

Grantor, Fern L. Thompson, covenants that she obtained a divorce from her husband, Fred P. Thompson, in the Circuit Court of Livingston County, Illinois, prior to the year 1924 being a date prior to the date of the death of her father, John P. Cook, from whom she acquired an interest in the above premises by devise.

Revenue stamps in amount of \$14.30 affixed and cancelled.

- - - -

(1)



52380

State of Illinois )  
Livingston County ) ss

We hereby certify that we have examined the records of said County and have noted on the foregoing Abstract of Title all Conveyances, Mortgages, Judgments, Levies, Mechanics' Liens or Tax Sales which appear thereon which in any way affect the title to said premises from January 4, 1951 at 5 o'clock P.M. to the present time.

This examination consists of two entries, numbered one and two.

The instruments mentioned herein are regular in form, signature and acknowledgment and recite a valuable consideration unless otherwise specified.

Taxes for the year 1950 are a lien by operation of law.

Dated at Pontiac, Illinois, this 26th day of February A.D. 1951 at 5 o'clock P.M.

LIVINGSTON COUNTY ABSTRACT COMPANY

By

J. G. Whitson  
President.